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Security Council

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Letter dated 10 May 2005 from the Permanent Observer of the League of Arab States to the United Nations addressed to the President of the Security Council

Pursuant to Article 54 of the Charter of the United Nations, I have the honour to transmit to you herewith the "Recommendations of the Arab Regional Seminar on Combating Terrorism", held in Cairo on 16 and 17 February 2005 (see annex).

I should be grateful if you would bring the present letter, with its annex, to the attention of the members of the Security Council and ensure that it is circulated as a document of the Council.

(*Signed*) Yahya **Mahmassani**
Ambassador

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Annex to the letter dated 10 May 2005 from the Permanent Observer of the League of Arab States to the United Nations addressed to the President of the Security Council

[Original: Arabic]

Recommendations of the Arab Regional Seminar on Combating Terrorism

Cairo, 16-17 February 2005

We, the heads and members of the delegations of the States members of the League of Arab States participating in the proceedings of the Arab Regional Seminar on Combating Terrorism, held in Cairo on 16 and 17 February 2005,

Expressing our appreciation to the General Secretariat of the League of Arab States and the United Nations Office on Drugs and Crime, Regional Office for the Middle East and North Africa, for organizing the Arab Regional Seminar on Combating Terrorism for the purpose of coordinating international, regional and subregional efforts to combat terrorism and enhancing the means of international cooperation in that field under the guidance of the international and regional instruments and Security Council resolutions on counter-terrorism,

Expressing our desire to create an effective partnership with international and regional organizations and to become fully integrated into international action to unite efforts in the field of counter-terrorism based on group responsibility, the participation of all classes of society and their cooperation with the authorities concerned,

Expressing also great concern over the growing waves of terrorism both in the region and elsewhere in the world and the resulting dangers to the stability and security of Arab societies and threats to the rule of law, democratic institutions and social values, not to mention the consequent thwarting and paralysis of development and development programmes,

Affirming that terrorism poses a grave threat to international peace and security, thus making it essential to condemn it and to confront it through the establishment of comprehensive strategies aimed at updating and developing criminal justice systems and security services and mobilizing and coordinating efforts at the international level, all under the aegis and constant solicitude of the United Nations,

Affirming also that dealing with terrorism is not limited to the establishment of legislative and security measures alone, but requires that such measures be accompanied by a preventive approach aimed at rejecting extremism and promoting a culture of dialogue thanks to the role that can be played by religious and educational institutions and the media,

Recalling the Security Council resolutions concerning the threats to international peace and security posed by criminal terrorist acts, in particular resolutions 1373 (2001), 1535 (2004), 1540 (2004) and 1566 (2004),

Strongly affirming that the effort to combat terrorism must take place within the framework of respect for human rights and the rule of law,

Recalling the resolutions of the United Nations General Assembly concerning the right of peoples to self-determination, including General Assembly resolution 1514 (XV),

Taking into consideration also the importance of the commitment to the implementation of the international and regional instruments on counter-terrorism that have been ratified and acceded to, including the 1998 Arab Convention for the Suppression of Terrorism, the 1999 Convention of the Organization of the Islamic Conference on Combating International Terrorism, the 1999 African Convention on the Prevention and Combating of Terrorism and the 2004 Gulf Cooperation Council convention on combating terrorism,

Welcoming the participation of the Assistant Secretary-General acting as Executive Director of the Counter-Terrorism Committee Executive Directorate established pursuant to Security Council resolution 1535 (2004) in the work of the Seminar and valuing the sincere and fruitful dialogue between the Committee and the representatives and experts of the Arab States concerning ways to implement resolution 1373 (2001), which stemmed from the desire of those States to pursue such a dialogue in connection with their commitment to support the efforts of the Committee and its Executive Directorate,

Valuing the efforts made by the Arab States in the fields of prevention and combating of terrorism, consisting in the experience presented during the Seminar and the reports submitted to the Security Council's Counter-Terrorism Committee,

Commending the United Nations Office on Drugs and Crime, Regional Office for the Middle East and North Africa, for its role in the fields of crime prevention and criminal justice in general, its perseverance in coordinating regional and subregional efforts in the field of combating terrorism and organized crime and the plan of action established by the United Nations Office on Drugs and Crime in that field, and encouraging member States to cooperate with the Regional Office in promoting the plan,

Renewing the resolve to fulfil our commitments to preventing and combating terrorism all over the world and in our own region, which is one of those most sorely afflicted by terrorism and everything connected with it, directly or indirectly, in the way of transborder organized crime,

Recommend the following:

1. Condemning terrorism in all its forms and with all its methods and practices regardless of its justifications or motives; coordinating efforts with a view to calling a halt to terrorism at all international levels; affirming that terrorism belongs to no religion, nationality or geographic region; resolving to assist all parties so as not to permit the use of their territory for terrorist purposes; and preventing terrorist organizations from obtaining weapons or financing;

2. Working towards completing the preparation of the United Nations draft comprehensive convention on international terrorism and arriving at an international definition of terrorism based on the distinction between terrorism and the legitimate right to resist occupation, bearing in mind that the killing of innocent civilians is not admitted by any divine law or international covenant;

3. Considering the United Nations as the cornerstone for unifying international cooperation efforts to combat terrorism and building the role played by its principal organs, first and foremost the Counter-Terrorism Committee and its Executive Directorate and the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime, while taking advantage of the technical consultative assistance provided by the Office and by donors;

4. Calling for the adoption of the necessary measures to prevent terrorists from acquiring weapons of mass destruction or their components, emphasizing the importance of accelerating the preparation of the United Nations draft convention on the suppression of nuclear terrorism and making the Middle East a region free of weapons of mass destruction, in particular nuclear weapons;

5. Urging member States that have not yet acceded to the international instruments on counter-terrorism to do so as soon as possible in accordance with Security Council resolution 1373 (2001) and seeking to establish committees made up of experts who are representatives of the bodies concerned with combating terrorism at the national level to ensure compliance with the provisions of that and other relevant Security Council resolutions;

6. Calling upon member States not yet party to the United Nations Convention against Transnational Organized Crime, the protocols supplementing that Convention and the United Nations Convention against Corruption to ratify or accede to those instruments;

7. Calling upon member States to develop their national legislation on counter-terrorism in order to bring it into harmony with the provisions of the relevant international and regional instruments and seeking to implement the provisions on international cooperation contained in them, especially in respect of systems and mechanisms of criminal prosecution relating to terrorism, organized crime and corruption;

8. Encouraging member States to comply fully with existing international standards on combating money-laundering and terrorist financing and to attribute special importance to the question of suppressing the financing of terrorism and intensifying the efforts of international agencies and organizations in that area;

9. Encouraging member States, in accordance with the stipulations of the above-mentioned regional and international instruments, to promote and enhance international, regional, subregional and bilateral cooperation in the field of counter-terrorism, especially with regard to extradition and requests for judicial assistance, with particular attention to the close relationship between terrorism and other forms of organized crime such as money-laundering, illegal trade in arms and explosives and trafficking in drugs and in persons;

10. Seeking to open direct channels of communication between member States as well as on the regional and international levels with a view to the exchange of information and expertise among the competent national agencies in those States and the regional and international counter-terrorism organizations concerned, through the establishment of an international network for such information;

11. Instilling and consolidating values of tolerance and communication between peoples and factors that bring different cultures and civilizations closer together,

fighting all forms of extremism and striving to spread the values of a culture of dialogue instead of extremist thinking;

12. Establishing a comprehensive counter-terrorism strategy at the national and international levels in which security procedures are related to measures aimed at dealing with the root causes of terrorism, in particular poverty, marginalization, occupation, regional conflicts, violations of human rights and the absence of justice, democracy and the rule of law;

13. Making use of media, educational and other institutions to increase social awareness regarding the seriousness of terrorism and organized crime and encouraging member States to prepare effective public information strategies, following an information policy designed to encourage the masses to take part in the fight against terrorism and organized crime;

14. Stressing the importance of the role played by civil and grass-roots organizations and cultural, educational and religious associations in creating greater consciousness of the seriousness of terrorism and the need for protection against it, for combating it and for promoting a culture of dialogue;

15. Stressing the recommendations that emerged from the Counter-Terrorism International Conference held in Riyadh, which constitute a comprehensive approach to dealing with the phenomenon of terrorism, and affirming at the same time that collective action is the most beneficial way to develop an overall strategic perspective in order to crush and wipe out that phenomenon in accordance with international laws and covenants;

16. Calling for the establishment, under the aegis of the United Nations Office on Drugs and Crime, of a regional training centre on combating organized crime and terrorism to assist the countries of the region in their efforts towards implementing the international conventions and protocols on combating terrorism, organized crime and corruption in cooperation and coordination with the regional and international centres concerned, as a step in the direction of compliance with the call of the Riyadh conference for efforts to strengthen cooperation in that area, especially through the exchange of expertise and the training of persons working in the area of counter-terrorism, the most important functions of the centre including the following:

- Establishing the desired framework for legal action as required by the relevant international instruments;
- Strengthening regional and subregional cooperation in penal matters, sharing in and exchanging strategic information and making use of advanced methods of investigation;
- Encouraging cooperation in the field of crime prevention and criminal justice and facilitating interaction among the different countries with a view to making use of successful practices in that field;
- Organizing specialized training courses for judges, public prosecutors and customs and bank employees and training for law-enforcement officers in the modalities of detection, prosecution and the discovery of the connections between terrorist organizations, transnational organized criminal gangs, drug traffickers and money-laundering;

17. Valuing the effective role played by the Council of Arab Ministers of Justice and the Council of Arab Ministers of the Interior in combating terrorism at the regional level, whether in the legislative area, as reflected in the conclusion of the Arab Convention for the Suppression of Terrorism, the adoption of its implementing mechanisms, the establishment of the Arab Strategy to Combat Terrorism and the phased plans for its implementation, and the preparation of model laws, on the one hand, or in other related fields, such as procedures for the prosecution of terrorists, consciousness-raising via the media on the dangers of terrorism or the promotion and coordination of cooperation with other concerned regional or international agencies and organizations, on the other hand;

18. Stressing the cooperation that exists between the League of Arab States and the United Nations Organization and cooperation with Europe and appealing to the Organization to offer its expertise to the League for the purpose of implementing joint initiatives for promoting the international conventions on combating terrorism and organized crime through participation in regional conferences, symposia and workshops that relate to the implementation of the international legal instruments on combating terrorism and organized crime;

19. Making use of the Legislative Guide issued by the United Nations Office on Drugs and Crime, which contains a comprehensive analysis of the international legal instruments relating to counter-terrorism in the areas of criminalization, jurisdiction and avenues of international cooperation, and model legal texts which can serve as guidelines in the drafting of national counter-terrorism legislation;

20. Requesting the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime and the Executive Directorate of the Security Council's Counter-Terrorism Committee to step up their technical assistance and offer every other type of support to facilitate for the countries of the region the task of meeting their international obligations in accordance with the provisions of the international legal instruments on combating terrorism, organized crime and corruption.

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End of mandate report of the Secretary-General on the United Nations Mission of Support in East Timor

(for the period from 17 February to 11 May 2005)

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1573 (2004) of 16 November 2004, in which the Council decided to extend the mandate of the United Nations Mission of Support in East Timor (UNMISET) for a final period of six months, until 20 May 2005. The present report reviews the activities of UNMISET since my last report (S/2005/99), dated 18 February 2005. During this period, the Security Council received an oral briefing on 28 February 2005 (see S/PV.5132). In addition, pursuant to Council resolution 1599 (2005) of 28 April 2005, this report describes preparations for the implementation of the mandate of the United Nations Office in Timor-Leste (UNOTIL), whose establishment was authorized by the Security Council for a one-year period, until 20 May 2006.

II. Recent political and security developments in Timor-Leste

2. During the reporting period, local elections were successfully held in the eastern districts of Baucau, Lautem and Manatuto in two phases, on 17 and 23 March respectively. The technical and logistical difficulties encountered in the first phase of the elections, including errors in the voter roll, invalid voter registration cards and inadequate transportation to the polling stations, were mostly overcome in the second phase. Although the elections were conducted in a peaceful and orderly manner, there were a few reports of intimidation of voters, mainly in Baucau and Lautem. While the ruling Fretilin party dominated the elections in Baucau district, independent and opposition candidates won a significant number of seats in Lautem and Manatuto districts. Preparations continued for the next round of local elections, to be held in the districts of Cova Lima, Ermera and Viqueque on 12 and 18 May, respectively.

3. Advances were made towards the further strengthening of the Timorese legal framework. President Xanana Gusmão promulgated the law on the Superior Council for Defence and Security on 17 February 2005. On 7 March 2005, he referred the draft Law on Freedom of Association and Demonstration, which had been approved by the National Parliament on 7 December 2004, to the Court of Appeal, for

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anticipatory review of its constitutionality. Progress was also made towards the adoption of the penal and criminal procedure codes, through the approval by the Council of Ministers of draft referral laws on 30 March, with the substantive laws to follow. The National Parliament's endorsement on 29 March of Sebastiao Dias Ximenes as the first Provedor (Ombudsman) for Human Rights and Justice of Timor-Leste should pave the way for this important Office to begin its work. This will also require provision of bilateral support, as highlighted at a meeting of development partners held on 21 April.

4. In February, Bishop Alberto Ricardo da Silva of Dili and Bishop Basilio do Nascimento of Baucau issued a joint pastoral note criticizing the proposal of the Council of Ministers to designate religious education as an optional subject in some primary schools across Timor-Leste. The issue provoked intense debate and, on 19 April, several hundred people gathered outside the Government building in Dili to voice their dissatisfaction with the Government's position on religious education. The demonstration lasted 20 days, with numbers oscillating between a few hundred and several thousands, but remained largely peaceful. Following several days of negotiations between the two sides, with President Gusmão acting as mediator, a joint declaration was signed by the Bishops and the Prime Minister on 7 May 2005, which recognized that teaching of religion must be included as a regular discipline in the curriculum, attendance being subject to a decision at the time of enrolment in accordance with the freely expressed parental wishes. The declaration also called for the establishment of a joint working group to address matters of concern. Subsequently, the demonstrators dispersed peacefully.

5. During the reporting period, relations between Timor-Leste and Indonesia were further reinforced by the visit of the President of Indonesia, Susilo Bambang Yudhoyono, to Timor-Leste on 8 and 9 April. In an address to the Timorese Parliament, President Yudhoyono stressed Indonesia's commitment to resolve the outstanding issues between the two countries, including the status of East Timorese refugees residing in western Timor, security in border areas, and the common land and maritime boundaries. President Yudhoyono also indicated that his Government intended to establish a land connection route between Oecussi and mainland Timor-Leste, to continue the scholarship programme for Timorese students studying in Indonesia, and to provide training for 100 Timorese police officers in Indonesia. In a highly symbolic gesture of reconciliation, President Yudhoyono ended his visit by laying a wreath at the Santa Cruz cemetery.

6. During this visit, the Foreign Ministers of Timor-Leste and Indonesia signed the Provisional Agreement on the Borderline, as finalized by the Technical Subcommittee on Border Demarcation and Regulation at its meeting in Bogor, Indonesia, on 28 and 29 March. The Agreement, which came into effect on 8 May, establishes a provisional borderline covering approximately 96 per cent of the entire land border. The Technical Subcommittee is due to meet again shortly, to discuss the surveys to be carried out on the remaining 4 per cent of the border, most of which is located along the Oecussi enclave border, as well as additional ground surveys to further refine the agreed provisional line. The placement of border markers along the agreed sections is expected to commence in June 2005.

7. An agreement on the establishment of the Truth and Friendship Commission was signed by Presidents Gusmão and Yudhoyono and Prime Minister Alkatiri in

Jakarta on 9 March. The Commission is expected to commence its work shortly, once Indonesia and Timor-Leste have appointed their respective members.

8. On 17 February 2005, I announced the appointment of Justice Prafullachandra Bhagwati of India, Professor Yozo Yokota of Japan and Ms. Shaista Shameem of Fiji to an independent Commission of Experts to review the prosecution of serious human rights violations committed in Timor-Leste in 1999. As previously reported (S/2005/99, para. 8, and S/2005/96), the Commission's task is to conduct a thorough assessment of the progress made in the processes involving the Ad Hoc Human Rights Tribunal in Jakarta, and the serious crimes process, involving the Serious Crimes Unit and the Special Panels for serious crimes in Dili, and to make appropriate recommendations to me. The Commission of Experts will also consider ways in which its analysis could be of assistance to the Truth and Friendship Commission. To this end, the Commission of Experts visited Timor-Leste from 5 to 10 April and met with Timorese leaders, the serious crimes prosecutors, the President of the Court of Appeal, the Defence Lawyers Unit, judges of the Special Panels and members of the Commission for Reception, Truth and Reconciliation. Meetings were also conducted with victims and their families, representatives of civil society and United Nations staff. On 11 May 2005, the Permanent Representative of Indonesia to the United Nations Office at Geneva wrote to the Commission of Experts, to inform them that the Government of Indonesia had agreed to issue visas for them to visit Jakarta for three days, from 18 to 20 May 2005.

III. Contribution of the United Nations

A. Role of the Mission

9. Important progress has been made towards building the capacity of Timorese State institutions during the consolidation phase of UNMISET, which began in May 2004. Nonetheless, as I indicated in my last report, international assistance will continue to be required beyond the expiration of the UNMISET mandate on 20 May 2005, to ensure that the underpinnings of a viable State are firmly in place.

10. I welcome the adoption of Security Council resolution 1599 (2005), in which the Council reaffirmed its continuing commitment to Timor-Leste, through the establishment of a one-year follow-on mission in the country. The mission, to be known as the United Nations Office in Timor-Leste, will be headed by my Special Representative and comprise the following elements:

(a) A small office to support my Special Representative and coordinate the work of the mission with the United Nations system partners in Timor-Leste;

(b) Up to 45 civilian advisers to support the development of critical State institutions;

(c) Up to 40 police advisers to support further development of the police, and 20 additional police advisers and 15 military advisers to support the development of the Border Patrol Unit;

(d) Up to 10 human rights officers to provide training in observance of democratic governance and human rights.

11. While UNOTIL, as described in resolution 1599 (2005), will not benefit from all of the resources suggested in my report of 18 February, it will be in a position to assist in a number of key areas, as detailed below. At the same time, it will be necessary for the international community to seek alternative ways to meet a number of important requirements that will remain outstanding; these are also described below.

12. The drawdown of UNMISET has proceeded in accordance with the requirement to maintain the assets and capabilities required for the implementation of the mandated tasks of UNOTIL. Significant progress has also been made in the planning for the disposal, sale and shipping of the remaining Mission assets.

Programme I
Support for the public administration and justice system of Timor-Leste and for justice in the area of serious crimes

1. Support for the public administration and justice system

13. During the reporting period, UNMISET civilian advisers continued to focus on the transfer of skills to Timorese civil servants, through training and mentoring. As a result, the capacity of Timorese State institutions has been further strengthened, and local ownership of the processes required for the management of such institutions continued to make progress. As previously reported (S/2005/99, para. 17), in the finance sector, the management of the Banking and Payments Authority is now almost entirely conducted by Timorese civil servants; however, it remains necessary for some international advisers to perform line functions in the areas of treasury, accounts and payments, and similar assistance will continue to be provided under the UNOTIL mandate. In addition, capacity in the justice sector remains weak and it will take some time to develop. In the meantime, the functioning of the justice system continues to depend on the support of international advisers, who provide training for national judicial actors and legal advice to the Government, as well as perform key line functions.

14. The Security Council's decision to approve the continued deployment of 45 civilian advisers to the Timorese administration represents a vital contribution to the continued development of Timor-Leste. Consultations with the Government are ongoing on the optimal allocation of the approved civilian adviser posts to the various Timorese State institutions. However, it is expected that up to 19 advisers will be assigned to the justice sector. In the early stages of implementation of the mandate of UNOTIL, 12 of the 19 international advisers will serve as four sets of judges, prosecutors and public defenders in the four district courts, to help reduce the backlog of cases, while most national judges, prosecutors and public defence lawyers receive the necessary training. It is also envisaged that some advisers will assist the Office of the Prosecutor-General, including through the provision of training to national prosecutors, while others will focus on the capacity development of the Public Defender's Office, under the Ministry of Justice.

15. Another priority area where the assistance of international advisers is deemed essential is legal drafting, to strengthen the legislative framework of the public administration. The UNOTIL civilian advisers will not only be directly involved in the drafting of laws but will also conduct formal training of national legal officers,

to enable them to introduce the required legislation in all State institutions, and ensure the sustainability of the legislative processes. Finally, it is envisaged that a few UNOTIL advisers will be involved in the provision of comprehensive finance training, in close cooperation with the World Bank, which is expected to assume full responsibility in this area, once the World Bank Financial Management Programme, now in the design process, becomes operational in 2006.

16. In my last report (S/2005/99, para. 67), I indicated that the recommendation for 45 civilian adviser posts would be reviewed should additional offers of bilateral or multilateral assistance be forthcoming. However, no firm commitments have been made to date that would warrant such a revision at this time, although the Development Partners meeting held in Dili on 25 and 26 April brought some helpful expressions of interest.

17. The Security Council in resolution 1599 (2005) also authorized the provision of up to 10 human rights officers, to provide training in observance of democratic governance and human rights, as recommended in my previous report. The main focus of this element of UNOTIL will be on strengthening the capacity of national human rights institutions, through the provision of specialized training and technical advice. Particular attention will be given to supporting the establishment of the Office of the Provedor for Human Rights and Justice. Support will also be provided to those involved in the legal system and to the follow-on mechanism to be established once the Commission for Reception, Truth and Reconciliation completes its work early in July. In addition, targeted human rights training will be provided to judicial actors, law enforcement agencies and civil society, in order to promote overall observance of democratic governance and human rights. UNOTIL will also undertake monitoring and review of progress in relation to such institutional strengthening.

2. Support for justice in the area of serious crimes

18. Pursuant to Security Council resolution 1543 (2004), the United Nations support for the serious crimes process in its current form is to cease on 20 May 2005. The Serious Crimes Unit has met with communities in 12 districts to inform them of the closure of the serious crimes process and of the progress achieved to date. Many participants, particularly families of the victims of the 1999 violence, have expressed concern that the process was ending prematurely. Meanwhile, the Serious Crimes Unit, the Defence Lawyers Unit and the Special Panels for serious crimes are finalizing the laborious process of handing over all relevant documentation related to the serious crimes process to the Timorese authorities. Crucial documents have been translated into the official languages and digitalized databases as well as handover notes are being provided.

19. In its resolution 1599 (2005), the Security Council underlined the need for the Secretariat, in agreement with Timor-Leste authorities, to preserve a complete copy of all the records compiled by the Serious Crimes Unit. In this connection, the Commission of Experts wrote to me on 29 April, to request that the liquidation of the Serious Crimes Unit be suspended and that measures be considered to safeguard the institutional knowledge of the serious crimes process until the findings of the Commission have been submitted and the Security Council has had a chance to consider them. In response to that request, 10 staff of the Serious Crimes Unit, including an international judge, a prosecutor, a legal officer and administrative

assistants, will be retained during the liquidation phase of UNMISET for this purpose. Meanwhile I trust that all concerned authorities will honour the assurances of confidentiality which were provided to numerous witnesses who cooperated with the Serious Crimes Unit, except insofar as the witnesses might agree to the disclosure of their identities or statements.

20. During the reporting period, the Special Panels for serious crimes operated three panels and conducted simultaneous trials in two courtrooms. Eight trials involving 11 defendants were thus completed, leaving no pending trials. In total, the Special Panels have tried 87 defendants; 84 of them were convicted of crimes against humanity and other charges, while three were acquitted of all charges. A total of six serious crimes cases were heard by the Court of Appeal. Six serious crimes cases, however, remain pending before the Court of Appeal, and are likely to remain so by 20 May 2005. Since mid-February, the Special Panels have issued 41 arrest warrants and denied 1 warrant request. In total, the Panels issued 270 arrest warrants and denied 4 warrant requests. It is anticipated that all 15 warrant requests that remain pending before the Special Panels will be ruled upon before 20 May 2005. All are believed to involve individuals residing outside of Timor-Leste.

21. The Commission on Reception, Truth and Reconciliation was to be dissolved by 7 July 2005. However, following consultations with the President and the Prime Minister, the Commission has recommended to the National Parliament that a short-term technical secretariat be established for a further six months, to translate and disseminate its final report, and to wind up the affairs of the Commission. Donor funding is being sought for this purpose.

Programme II
Support for the development of law enforcement in Timor-Leste

22. UNMISET civilian police advisers continued to train the national police through the staged implementation of a skills development plan. A series of workshops for senior managers were held, specialist training courses for the Police Reserve Unit commenced, and in-service training of the Rapid Intervention Unit continued in the areas of leadership, command and control, and the handling of riots. UNMISET civilian police advisers also continued to assist the Capacity-Building Unit, which has been drafting and reviewing the standard operating procedures of the national police. Under the Timor-Leste Police Development Programme, a project funded by Australia and the United Kingdom of Great Britain and Northern Ireland, 50 national police officers commenced a six-month "training-of-trainers" course in February 2005, with special focus on logistics, finance and human resources management. With a view to increasing the accountability and professionalism of the police, during the reporting period, professional ethics offices were opened in the districts. These offices will assist in the investigation of complaints of misconduct. During the reporting period, such complaints, including violations of human rights, have decreased; 43 cases of misconduct were reported from February to April 2005, compared to 78 cases from November 2004 to January 2005. To date, 127 cases of alleged police misconduct have been investigated and sent to the competent authorities for action. As a means of standardization of the reporting on human rights violations, UNMISET human rights officers are in the process of establishing a national human rights database. To address the logistic and infrastructure constraints confronting the national police, the UNMISET police

advisers, in cooperation with the national police, have undertaken an equipment needs assessment, the results of which will be transmitted to the Government and other donor countries. In addition, the UNMISET police component has put in place a new database to improve the personnel management systems of the national police.

23. Notwithstanding the progress that has been made, further assistance will be essential to develop the professionalism and specialized skills of the Timorese police. In this context, the 40 UNOTIL police advisers will focus on strengthening the capacity of the specialized units, the leadership skills of the national police in both administrative and operational areas, and the management of the police headquarters. These police advisers will comprise individuals skilled in strategic planning, crime investigation, maritime policing, professional ethics and immigration and technical field training.

24. With regard to UNOTIL assistance to the development of the Border Patrol Unit, the mandate provides for 15 military officers and 20 additional advisers. The latter positions will be filled by police training advisers, who will focus on imparting policing skills to the Border Patrol Unit, particularly in relation to information gathering and analysis, counter-terrorism and investigation of border-related crimes. The concept of operations provides for the police and military advisers to be co-located in the three border areas (Bobonaro, Suai and Oecussi). For command and control purposes, the police advisers will report to the Chief Police Adviser, while the military advisers (whose functions are described below) will report to the Chief Military Adviser. The Chief Police Adviser and the Chief Military Adviser will have separate reporting lines to my Special Representative.

25. Beyond the support provided by the UNOTIL military and police training advisers, the development of a national policing capability will require a sustained level of bilateral and multilateral assistance. Indonesia will conduct training courses for 100 national police officers in Indonesia in the areas of intelligence, investigation and traffic. In addition, Portugal has offered to provide 35 police trainers, while Japan has offered to provide training and material support in the areas of explosive ordnance disposal, traffic and community policing.

Programme III
Support for the security and stability of Timor-Leste

26. The security situation in Timor-Leste remained generally calm and stable during the reporting period, although a few violent incidents occurred. Occasional problems continued to arise between the Timorese armed forces and the national police, including an altercation near a nightclub in Dili which remains under investigation. The problem posed by the proliferation of weapons in Timor-Leste was highlighted by an assault on 12 March upon the manager of the Australia-New Zealand Bank and his wife outside their residence in Dili. Violence perpetrated by martial arts groups also increased during the reporting period. Serious incidents were reported in Maliana on 2 March, and in Dili on 16 and 17 April, the latter requiring the intervention of the Timorese Police Rapid Intervention Unit. Illegal cross-border activities also increased. On 25 April, there were reports of attempted cattle raids by a group that entered Timor-Leste near the village of Napan, in

Oecussi, and which dispersed following the arrival of the Timorese Border Patrol Unit.

27. The relationship between the Indonesian Armed Forces and the Border Patrol Unit continued to develop with assistance from the Military Liaison Group. The Military Liaison Group also continued to support the efforts of the Timorese armed forces in maintaining stability in the region, by assisting with situational awareness and providing a calming presence through frequent patrols in the border areas. As a capacity- and confidence-building measure, the Military Liaison Group supported the Border Patrol Unit in its interaction with its Indonesian counterparts, at the strategic and operational levels. On 15 March, a military liaison meeting was held for the first time in Dili, where a delegation from the Indonesian Armed Forces comprising the Commander of the Indonesian Border Security Task Force and six battalion commanders, as well as Timorese police officials and representatives of the UNMISET military component, discussed border management issues. In addition, the military component continued to carry out disposal of unexploded ordnances and critical repairs to roads to enable access in the border districts, as well the provision of medical support, including evacuations and treatment.

28. On 21 April, however, the Border Patrol Unit exchanged gunfire with Indonesian military personnel, who were reportedly pursuing a group of smugglers at the Tactical Coordination Line. During the exchange of fire, one Indonesian soldier received a gunshot injury to the leg. While some of the smugglers were apprehended, the Timorese police and the Indonesian Armed Forces are conducting separate investigations to ascertain the full circumstances of the shooting. UNMISET military liaison officers have facilitated two meetings between the Border Patrol Unit and the Indonesian Armed Forces to exchange information and continue to assist both sides to conduct an impartial investigation. However, the Indonesian Armed Forces cancelled a third meeting with the Border Patrol Unit and indicated that it would not participate in further talks with the Unit until the Timorese police were prepared to share the results of their investigation. The incident highlights the need for an effective mechanism for the management of the border between Timor-Leste and Indonesia, to replace the military liaison arrangement between the Indonesian Armed Forces and the UNMISET military component, which will expire on 30 June 2005.

29. In the implementation of the mandate of UNOTIL, 15 military advisers will undertake the following activities in support of the development of the Border Patrol Unit's capacity:

(a) Assist Timor-Leste in coordinating contacts with the Indonesian military;

(b) Assist UNOTIL police advisers (20) with institutional capacity-building, through training, mentoring and regular evaluation, to bring about organizational and attitudinal change within the Border Patrol Unit. This will specifically relate to the establishment of procedures and transfer of knowledge to enable the Unit to assume full responsibility for border management and interact independently with the Indonesian military at the appropriate levels, by May 2006.

30. The activities of the military advisers and the 20 additional UNOTIL police advisers, who will assume the primary role for the training and mentoring of the Border Patrol Unit, will be closely coordinated.

31. The Security Council in resolution 1599 (2005) did not authorize the deployment of the 144-strong backup security force, as had been recommended in my previous report. It should be noted that the withdrawal of the last United Nations formed troops from Timor-Leste may have a negative impact on the overall security situation in the country. It also has potential implications for the security of United Nations personnel. The removal of UNMISET troops will eliminate a significant deterrent to criminal activities, especially in border areas, while the withdrawal of the military engineering unit leaves no immediate means to maintain the land routes from Dili to the border, which are expected to deteriorate and become impassable without such intervention, especially during the rainy season. The departure of the military component's medical unit will also be acutely felt. Some form of international assistance will remain indispensable to meet those needs.

32. In the absence of military air assets, UNOTIL will rely upon civilian air capability to provide it with the necessary operational mobility and allow for the medical evacuation of staff as needed. Consultations will be undertaken with the Government of Timor-Leste and neighbouring countries with a view to securing contingency arrangements for the safety of United Nations personnel. In a letter to me dated 20 January 2005 (see S/2005/103), the Prime Minister, Mari Alkatiri, indicated that, at the current stage of its development, Timor-Leste could not be expected to guarantee the security of international civilian or military personnel.

B. Role of the United Nations system

33. The United Nations system continued to make a key contribution to Timor-Leste during the reporting period, complementing the support provided through UNMISET, and will continue to play a crucial role alongside UNOTIL.

34. During the period, the United Nations system in Timor-Leste renewed its commitment to assist the Government of Timor-Leste in achieving its goals as articulated in its National Development Plan, as well as the Millennium Development Goals. The Government, in conjunction with the United Nations country team, conducted a one-day seminar to jointly launch the United Nations Millennium Project report, in which the Prime Minister reiterated the Government's strong commitment to the Millennium Development Goals and that appropriate partnerships are necessary for the achievement of the Goals in Timor-Leste.

35. The World Bank will continue to coordinate a consolidation support programme, a budget support programme which is expected to contribute some $10 million to $15 million to the national budget of Timor-Leste. That budget support will be conducted in conjunction with a multi-donor grant-funded programme to strengthen the capacity of staff in the Ministry of Planning and Finance, line ministries and districts, particularly in the areas of planning and financial management. The United Nations Development Programme (UNDP) is also initiating a participatory rural energy development programme, to identify and develop potential alternative energy resources in rural communities.

36. The inter-agency programme, the Skills Training for Gainful Employment Programme, continued to assist the Secretariat of State for Labour and Solidarity in strengthening the capacity of rural and urban training providers and to empower communities through the provision of skills, microenterprise development and start-up support. The UNDP Institutional Capacity Development Support Programme

continued to provide support to State institutions through the deployment of 118 "critical" adviser positions. Eighty of these posts are currently filled, including posts for the capacity development of the National Parliament and the training of judicial actors.

37. The World Food Programme (WFP) conducted a food security and vulnerability analysis, as an essential tool for the effective targeting of development and safety net programmes. It is finalizing, with the Government, a plan that would target vulnerable groups through the mother and child health service and school feeding in identified disadvantaged areas. WFP has, in consultation with the Government, formulated a contingency plan, identifying potential disaster scenarios, impact and response.

38. The United Nations Population Fund (UNFPA) is working with various Government Ministries to set up a National Adolescents Reproductive Health Programme. In addition, UNFPA, the United Nations Children's Fund (UNICEF) and the World Health Organization are supporting the Ministry of Health in combating the recent dengue outbreak, which has caused a number of deaths across the country. UNICEF is also providing technical support for the reform of the national curriculum for primary education. It is also anticipated that UNICEF will assist the Government in the establishment of a National Commission for Children to monitor the Convention on the Rights of the Child and coordinate policies and programmes related to children.

39. The United Nations Development Fund for Women has been supporting the Office for the Promotion of Equality to meet its reporting obligations under the Convention on the Elimination of All Forms of Discrimination against Women. The Office of the United Nations High Commissioner for Refugees continued to support the Government as a State party to the 1951 Convention relating to the Status of Refugees, encouraging the development of national law and regulations and seeking to enhance the capacity of the Asylum Unit within the Immigration Department, and continues to provide direct assistance to asylum seekers and refugees.

IV. Financial aspects

40. As indicated in my last report to the Security Council (S/2005/99, sect. IV), the General Assembly, by its resolution 59/13 of 29 October 2004, appropriated for the financial period from 1 July 2004 to 30 June 2005 the amount of some $85.2 million for the maintenance of UNMISET and commencement of its administrative liquidation. I have since submitted to the General Assembly, for its consideration, a proposed budget of some $3.9 million for the completion of the administrative liquidation of the Mission during the period from 1 July to 31 October 2005.

41. As at 30 April 2005, unpaid assessed contributions to the special account for UNTAET/UNMISET amounted to $66.4 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,218.8 million.

42. The resource requirements for UNOTIL will be submitted to the General Assembly for its consideration in accordance with established procedure.

V. Observations

43. Over the three years which have elapsed since it gained independence in May 2002, Timor-Leste has made remarkable strides towards the threshold of self-sufficiency. UNMISET has provided crucial support to this process, including during its consolidation phase, over the past 12 months. I would like to commend the determination of the Timorese people and their leaders to consolidate a democratic and viable State. The recent constructive approach of all concerned, which resulted in the peaceful resolution of the demonstrations, initiated by Church leaders, exemplifies the growing maturity of the State and people of Timor-Leste. The continuous strengthening of relations with neighbouring countries, particularly with Indonesia, is also an encouraging development for the security and viability of the State. The progress that has been made testifies above all to the resilience and determination of the people and leadership of Timor-Leste. At the same time, it is a source of pride and satisfaction for the United Nations to have made a key contribution to this historic process.

44. Notwithstanding all that has been achieved, more remains to be done, and further generous support will be indispensable if the remarkable gains achieved so far are to be sustained and built upon in the future. The end of UNMISET represents a turning point for this young nation, and I am confident that the next steps towards democratic institution-building in Timor-Leste can be pursued through robust capacity-building activities. In this context, I welcome the Security Council's decision to remain engaged by maintaining an operational presence on the ground through UNOTIL, until 20 May 2006.

45. The follow-on mission will focus upon transfer of skills and knowledge, to continue to build the capacity of the public institutions of Timor-Leste to enable them to deliver the necessary services, in accordance with international principles of democratic governance. The elements to be included within UNOTIL will enable the international community to offer vital assistance to the further development and strengthening of the rule of law, including justice, human rights, and support for the national police and other aspects of the public administration.

46. At the same time, further international assistance will be essential, beyond the support provided through UNOTIL. This will include assistance with security needs to promote the stability of the country and to ensure the safety of United Nations personnel as noted above. In addition, the advisory support available through UNOTIL to strengthen administrative and police structures can meet only the most pressing needs and must be supplemented with bilateral and multilateral assistance to ensure sustainable progress.

47. Ultimately, however, the primary responsibility for achieving maximum benefit and a better life for the people of Timor-Leste must rest with the Timorese leadership. Continuing efforts to foster the growth of a vibrant democratic society, with an independent and impartial judiciary, law enforcement agencies and civil service and freedom of the press, will be crucial to the future progress of Timor-Leste.

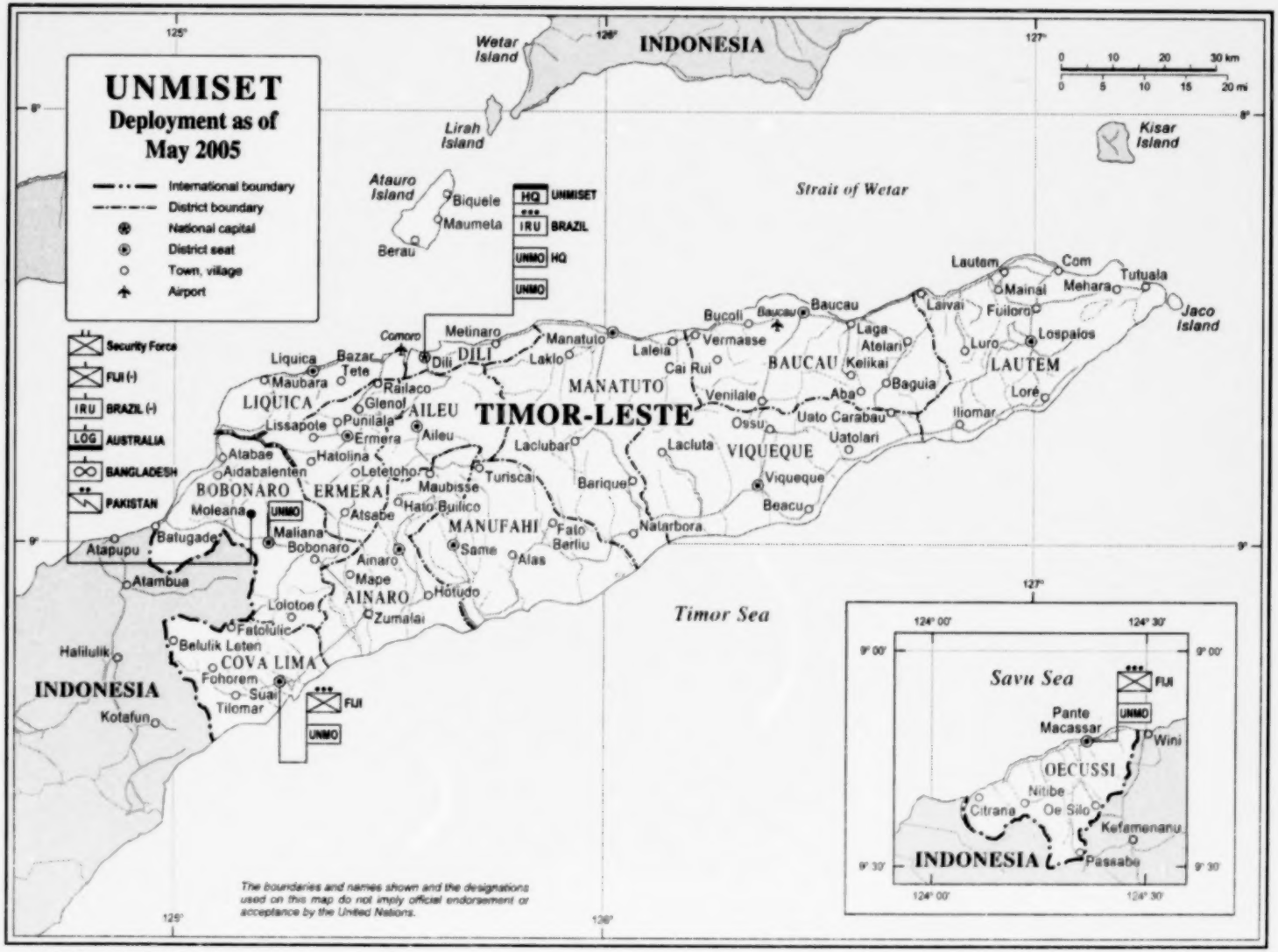
48. Finally, I would like to express my gratitude to my Special Representative, Sukehiro Hasegawa, and to all the men and women of UNMISET for their tireless dedication throughout the consolidation phase. I would also like to place on record my appreciation to my Deputy Special Representative, Atul Khare, who has played a key role in ensuring the success of the mission.

Annex

United Nations Mission of Support in East Timor: civilian police and military strength

(as at 10 May 2005)

	Civilian police	*Troops*	*Military observers*	*Total*
Australia	17	91	3	111
Bangladesh	1	34	1	36
Bolivia	—	—	2	2
Bosnia and Herzegovina	1	—	—	1
Brazil	4	135	4	143
China	15	—	—	15
Croatia	1	—	—	1
Denmark	—	—	2	2
Fiji	—	137	—	137
Ghana	2	—	—	2
Jordan	6	—	2	8
Malaysia	14	5	6	25
Mozambique	—	—	2	2
Nepal	2	—	2	4
New Zealand	—	1	2	3
Norway	1	—	—	1
Pakistan	10	18	3	31
Philippines	13	1	3	17
Portugal	17	6	5	28
Russian Federation	1	—	2	3
Samoa	3	—	—	3
Spain	4	—	—	4
Sri Lanka	2	—	—	2
Sweden	2	—	2	4
Turkey	6	—	—	6
Ukraine	2	—	—	2
United States of America	7	—	—	7
Zambia	1	—	—	1
Zimbabwe	2	—	—	2
Total	**134**	**428**	**41**	**603**



Map No. 4209 Rev. 9 UNITED NATIONS
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Cartographic Section

United Nations S/2005/311

Security Council

Distr.: General
13 May 2005
English
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Letter dated 12 May 2005 from the Permanent Representative of Benin to the United Nations addressed to the President of the Security Council

I have the honour to request that, in accordance with the relevant provisions of the Charter and rule 39 of the provisional rules of procedure of the Security Council, Ambassador Ridha Bouabid, Permanent Representative of the International Organization of la Francophonie, should be invited to participate, without the right to vote, in the open meeting of the Council on Haiti, to be held tomorrow, Friday, 13 May 2005.

(*Signed*) Joel W. **Adechi**
Ambassador
Permanent Representative

05-34457 (E) 160505 160505

United Nations A/59/802–S/2005/312

General Assembly
Security Council

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12 May 2005

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General Assembly
Fifty-ninth session
Agenda items 36 and 148

The situation in the Middle East

Measures to eliminate international terrorism

Security Council
Sixtieth session

Identical letters dated 12 May 2005 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I wish to draw your attention to the latest violations of the Blue Line from Lebanese territory. Last night, 11 May 2005, at 11.11 p.m. local time, a 107 mm mortar shell was fired by members of a terrorist militia in southern Lebanon at the northern Israeli town of Shlomi. The shell, directed specifically against a civilian target, severely damaged a commercial building, and it is only by chance that nobody was injured or killed. This attack was launched in the midst of the celebrations of Israel's Independence Day, and is only the most recent in a series of wilful unprovoked attacks carried out against Israel by terrorist organizations, which operate freely from Lebanese territory. Even as I write this, in fact, it has just been reported that there has been another large explosion near the Blue Line, whose nature has yet to be determined.

As you are well aware, in May 2000, Israel withdrew completely from Lebanon, in full and confirmed compliance with Security Council resolution 425 (1978). Since that time, despite the presence of the United Nations Interim Force in Lebanon (UNIFIL), these acts of aggression against Israelis have continued, enabled by the complicity of the Government of Lebanon, and with the support of the Syrian and Iranian regimes that have long sponsored, trained and financed these terrorist groups. Such actions, which continue unabated despite recent developments, represent a direct negation of obligations under international law and the provisions of Security Council resolutions, including resolutions 425 (1978), 426 (1978), 1310 (2000), 1337 (2001), 1373 (2001), 1553 (2004), 1566 (2004) and 1559 (2004). The failure of the Government of Lebanon, in grave violation of these obligations, to restore peace and security, to ensure the return of its effective authority and prevent cross-border attacks from its territory, and to fully disarm and dismantle armed militias, is the direct cause of instability in the area.

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Israel once again calls on the international community to expect nothing less than full compliance by all States with their counter-terrorism obligations. Those regimes in the region that sponsor or tolerate terrorist activity are not absolved of their legal obligations to fight terrorism, as part of the global campaign against international terrorism. Were it not for the terrorism and its support infrastructure that operates with impunity from, and with the blessing and direct support of, these regimes, in violation of the most basic legal norms and explicit Security Council resolutions, Israeli measures of defence would be unnecessary.

I should be grateful if you could arrange to have the text of the present letter circulated as a document of the fifty-ninth session of the General Assembly, under agenda items 36, "The situation in the Middle East", and 148, "Measures to eliminate international terrorism", and of the Security Council. An identical letter has been sent to the President of the Security Council.

(*Signed*) Dan **Gillerman**
Ambassador
Permanent Representative

United Nations S/2005/313

Security Council

Distr.: General
13 May 2005

Original: English

Report of the Secretary-General on the United Nations Stabilization Mission in Haiti

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1576 (2004) of 29 November 2004, by which the mandate of the United Nations Stabilization Mission in Haiti (MINUSTAH), established by resolution 1542 (2004) of 30 April 2004, was extended until 1 June 2005. It covers developments since my report of 25 February 2005 (S/2005/124) and presents recommendations for the extension and restructuring of the Mission in the light of changes in the political and security situation in Haiti.

2. MINUSTAH continues to be led by my Special Representative, Juan Gabriel Valdés; his deputies, Hocine Medili and Adama Guindo, as well as the Force Commander, Lieutenant General Augusto Heleno Ribeiro Pereira (Brazil), and the Police Commissioner, David Charles Beer (Canada). The Mission's troop strength stood at 6,211 as at 9 May 2005 out of a total authorized strength of 6,700 (see annex I). The police component stood at 1,413 out of a total authorized strength of 1,622, comprising 623 police officers and six formed police units with a combined strength of 790 (see annex II).

II. Political situation

3. During the reporting period, two main processes of the political transition — national dialogue and elections — were launched by the Transitional Government of Haiti and the Provisional Electoral Council, respectively. The inclusiveness of these processes, as well as their transparency, credibility and legitimacy, remain uncertain, however. Internal divisions and limited capacity have hampered the Transitional Government's ability to decisively move the transition process forward. The performance of the Transitional Government, which completed its first year in office in March 2005, continued to be criticized by leading political and civil society groups for a perceived failure to deliver demonstrable results.

4. While representing diverse interests, the political discourse has yet to address concretely the substantive concerns facing the country or to offer a clear vision for the future of Haiti beyond the upcoming elections. As a result, the political class remains polarized. Relations between the Transitional Government and Fanmi Lavalas, as well as the relations of Fanmi Lavalas with other political actors, did not

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improve substantially. The Transitional Government, while taking some steps towards reaching out to Fanmi Lavalas, has not done so convincingly. Fanmi Lavalas thus far maintained its position that it would stay outside of the transition process; it has cited its reasons as including a fatal shooting by the Haitian National Police during a demonstration on 28 February in Port-au-Prince and the detention of high-profile party figures, such as the former Prime Minister, Yvon Neptune, and the former Interior Minister, Jocelerme Privert. Hardliners in the party continued to call for the return of former President Jean-Bertrand Aristide to Haiti. At the same time, Fanmi Lavalas remained internally fractured and there were indications that moderate elements of the party have not ruled out participation in the transition process. Some of its leaders participated in open discussions on the future of Haiti with the Prime Minister, my Special Representative and leaders of other political parties during a seminar early in March 2005.

National dialogue and reconciliation

5. On 7 April, the interim President, Boniface Alexandre, launched a "national dialogue" which, as outlined in a presidential decree, is intended to conclude a "pact for living together" following a broad and inclusive process beginning before the elections. In the short run, the dialogue would aim to create an environment conducive to the holding of elections and to ensure that the country could be properly governed following the elections. In the long run, the dialogue aims to develop a clear vision for national development and to reinforce mechanisms for good governance. The decree stipulates that a 12-member preparatory commission, composed of religious leaders, political figures, representatives of civil society and the executive, would assist the interim President in establishing institutions that would lead the national dialogue. There is, however, no indication from the Haitian authorities when those bodies will start functioning.

6. The launch of the national dialogue process has received much publicity and sparked mixed reactions. The extent to which the entire political spectrum and population supports the dialogue is unclear. Differences remained on what the dialogue should focus on now and in the future, and agreement has yet to be reached to begin a longer-term dialogue before the upcoming elections. Some civil society organizations and political parties, including some factions of Fanmi Lavalas, expressed reservations about provisions in the decree establishing the national dialogue, which bar changing the Transitional Government, the Consensus on the Political Transition of 4 April 2004 (see S/2004/300, paras. 12-14), the electoral calendar and the Constitution. MINUSTAH continued to meet with key political actors representing political parties, including different factions of Fanmi Lavalas, to ensure that the dialogue serves the long-term aim of national reconciliation, as well as the holding of credible and inclusive elections.

Preparations for elections

7. Following the publication of the electoral law on 11 February 2005, preparations are under way to hold local elections on 9 October 2005 and the first round of parliamentary and presidential elections on 13 November; a second round, if necessary, would be held on 18 December. There appears to be a general commitment to adhere to the electoral timetable, with few dissenting voices; however, concerns have been expressed about the conduct and outcome of the elections in the light of the country's past experiences. A number of legal, logistical

and practical challenges have yet to be addressed. The commitment of the Transitional Government to do so in its areas of responsibility remains unclear, and the ability of the Provisional Electoral Council to tackle these challenges remains limited. A political pact, including an electoral code of conduct, was prepared by a local institute, at the request of the main political parties, but its status and the support of all political actors are uncertain.

8. Voter registration began on 25 April after a delay of about four weeks caused by administrative and logistical issues as well as security concerns; it is being undertaken by the Provisional Electoral Council with the assistance of the Organization of American States (OAS). The first registration office opened in Gonaïves; other centres are opening in a staggered manner as premises become available and security can be provided. As at 9 May, 15 registration offices, out of 409 planned offices, have opened, and more than 16,000 citizens have registered, out of approximately 4 million citizens eligible to vote. The registration process must be completed by 9 August 2005, as provided for in the timeframe set by the electoral law.

9. MINUSTAH has expressed concern about the constitutionality of certain provisions of the electoral law, such as the introduction of the right of appeal to the Supreme Court; the introduction of the simple majority rule for declaring the winner at the second round of the presidential and legislative elections; and special requirements placed on independent candidates which do not apply to candidates from political parties. Prior to the adoption of the electoral law and immediately after its publication, MINUSTAH communicated its concerns to both the Electoral Council and the Transitional Government, but none of those provisions has been challenged through legal means by local political actors. In addition, the Transitional Government has yet to adopt necessary decrees, such as decrees on the funding of political parties and on the official status of the new national identification card, which will be issued at the time of registration.

10. Security for the electoral process remains a key concern, as demonstrated by attacks on the headquarters of the Electoral Council on 24 and 29 March 2005. On 1 April, the Prime Minister created an Electoral Security Commission, comprising representatives of the Transitional Government, the Electoral Council, the national police and MINUSTAH, which is charged with preparing a comprehensive security plan for the elections and supervising its execution. Following a needs assessment in February 2005 (see S/2005/124, para. 32), the Electoral Council, in consultation with MINUSTAH and the national police, agreed to establish a corps of 3,600 local electoral security assistants who, armed with non-lethal weapons, will provide security at the registration and polling centres alongside MINUSTAH and the police. MINUSTAH, in cooperation with the police and the United Nations Office for Project Services, began the recruitment and training of those assistants on 28 April.

11. Following an assessment that the initial budget for the elections was insufficient (see S/2005/124, para. 30), the Electoral Council, with technical assistance from MINUSTAH, OAS and relevant donors, developed a revised budget of $60.7 million. It includes additional requirements for security (for example, the recruitment and training of electoral security assistants), infrastructure, transportation, communications and contingency expenses. The total shortfall for the revised budget is approximately $22 million.

III. Security situation

12. The security situation in Port-au-Prince remained volatile, and there was an increased number of violent acts by various illegal armed groups beginning in February. Of particular concern were emerging alliances between members of those groups — some associated with the former military and others with urban gangs; also of concern were alleged connections between elements of the national police and illegal armed groups. The number of kidnappings reported in Port-au-Prince also increased. Outside the capital, the situation remained fragile, but was generally calm, with only a few incidents reported in Cap-Haïtien, Gonaïves, Hinche and Petit-Goâve. The continued presence of members of the former military, illegally exercising security functions in some areas of the country, remained a matter of concern.

13. Public security suffered a significant setback on 19 February 2005 when a group of unidentified armed men entered the National Penitentiary in Port-au-Prince and enabled 493 detainees to escape. Immediately after the escape, the Transitional Government dismissed two senior penitentiary officials and detained eight prison guards for alleged complicity in the breakout. Security was reinforced at detention centres throughout the country by the national police in cooperation with MINUSTAH. As at 18 April, 76 escapees had either been recaptured or returned voluntarily.

14. Having almost reached its authorized troop and police strength, MINUSTAH continued to maintain a robust approach to ensure a secure and stable environment and the gradual stabilization of the overall security situation throughout the country. A number of successful operations have been undertaken during the reporting period. MINUSTAH retook some police stations occupied by the former military and other illegal armed groups. On 20 March 2005, MINUSTAH recovered the police station in Petit-Goâve, which had been illegally occupied since August 2004. During the operation, one MINUSTAH soldier was killed and three others were wounded. The illegal armed group that had occupied the station also suffered casualties and 27 individuals were disarmed and handed over to the national police. On the same day, a MINUSTAH soldier was killed and another injured during an attack by unidentified armed persons while manning a checkpoint near Terre-Rouge. On 21 March, MINUSTAH recovered the police station in Terre-Rouge, believed to have been used as a base by those who attacked the MINUSTAH checkpoint; no casualties were reported. Both police stations are now under the control of MINUSTAH and the national police.

15. MINUSTAH, in support of the national police, also undertook operations in the shantytowns of Port-au-Prince. As a result, gang activity decreased in Bel-Air, and the security situation in the commercial districts of the capital improved. However, the situation in Cité Soleil remains challenging. MINUSTAH strengthened its presence in that area by establishing permanent checkpoints, increasing patrolling and delivering humanitarian assistance, but, criminal acts continued. On 31 March 2005, the national police and MINUSTAH launched an operation in Cité Soleil to restrict the movements of gang members and the circulation of their weapons and ammunition. On 14 April, a MINUSTAH soldier who was part of that operation was shot and killed. The following day, an operation undertaken by MINUSTAH and the national police to arrest the main gang leaders in Cité Soleil met with strong resistance from gang members.

16. The national police, with the support of MINUSTAH, intensified efforts to apprehend individuals wanted for alleged involvement in criminal activities. During such operations on 9 and 10 April, the self-styled former military leader, Ravix Rémissainthe, a gang leader, René Jean Anthony (known as "Grenn Sonnen"), and eight other gang members were killed. Mr. Rémissainthe and Mr. Anthony had been on the "wanted list" of the national police as the primary suspects in the murder of four police officers on 6 February 2005.

17. MINUSTAH was directly targeted on several occasions during the reporting period. Three MINUSTAH soldiers — from Nepal, the Philippines and Sri Lanka — were killed during security operations. In addition, MINUSTAH vehicles carrying civilian staff and contractors were shot at on 25 March and 8 April; one person was lightly injured in the second incident. On 31 March, a soldier was shot at while guarding the future MINUSTAH headquarters; he was not injured. There have been subsequent shootings at the building. National police officers have been targeted on numerous occasions and, according to the Director General of the Haitian National Police, 45 police officers have been killed in the past year.

18. MINUSTAH has devoted significant attention to monitoring public demonstrations, most of them organized by Fanmi Lavalas supporters, as well as urging demonstrators to abide by the law. While most demonstrations were peaceful, with only minor incidents, on 28 February 2005 in Bel-Air, despite the peaceful nature of the demonstration, the national police killed one demonstrator. In addition, on 27 April at least five people were killed by the national police in circumstances that are unclear. Despite repeated requests by MINUSTAH for a full investigation, the national police has not yet undertaken an investigation of the first incident, and continued to give conflicting versions of the second one.

Disarmament, demobilization and reintegration

19. On 4 February 2005, the Transitional Government established the National Commission for Disarmament by naming its seven members, but it has not defined the mandate of the Commission or the functions and nature of the structures for disarmament, demobilization and reintegration. The Transitional Government has adopted the national programme for disarmament, demobilization and reintegration, which was developed jointly by the Transitional Government, MINUSTAH, UNDP, and other national and international stakeholders through the Interim Cooperation Framework Sectoral Round Table on disarmament. The programme's legal status is still unclear, however, and it is not operational. In short, the full commitment of the Transitional Government to the implementation of a comprehensive and even-handed disarmament, demobilization and reintegration programme remains ambiguous. In addition, there continues to be a funding gap for the programme in the amount of $15 million.

20. In an encouraging development, on 13 March 2005, 227 former soldiers in Cap-Haïtien surrendered a symbolic number of weapons and agreed to be reintegrated into society. The former soldiers, as well as those involved in the illegal occupation of the residence of former President Aristide (see S/2005/124, para. 9), are currently in Port-au-Prince under the responsibility of the Transitional Government until the disarmament, demobilization and reintegration programme becomes operational. A number of former military leaders and political leaders have publicly called upon the former soldiers to lay down their weapons. Generally,

however, the weapons being seized or surrendered are few in number and often antiquated. MINUSTAH continued its sensitization campaign with other illegal armed groups on a community-by-community basis. Members of some urban gangs in Les Cayes and Port-au-Prince have expressed interest in handing over weapons in exchange for community development initiatives.

21. The commitment made by the Transitional Government to pay indemnities and pensions to those who were on the payroll of the former armed forces in 1994 (see S/2005/124, para. 12) was not immediately linked to disarmament and the national disarmament, demobilization and reintegration programme, thus hampering efforts to carry out immediate disarmament in a number of cases. There have also been worrying cases where the Transitional Government has made promises that led to voluntary disarmament, promises it has not yet fulfilled, thus increasing the risk that individuals will rejoin illegal armed groups. In addition, many former military personnel remain reluctant to disarm without receiving their full benefits or being absorbed into the Haitian National Police or other public sector positions, which the Transitional Government will have difficulties in accommodating given the limited number of public sector positions available to former military personnel.

Support for the rule of law and public security

22. On 15 March 2005, the Conseil supérieur de la police nationale adopted the national police strategic development plan for 2004-2008. The plan, prepared within the framework of the Interim Cooperation Framework Sectoral Round Table on police, identified key objectives for the development of the police such as the creation of new senior posts, adoption of a new organization chart, training for senior officers, a comprehensive appraisal of the police force, and the strengthening of the National Penitentiary Authority. However, the national police remained unable to exercise public security functions throughout the country, and has yet to effectively address allegations of corruption and humans rights violations against some of its officers, negatively affecting its image in the eyes of the population.

23. The MINUSTAH police component continued to provide operational support to the national police. At the same time, MINUSTAH has been able to increasingly redirect its attention to training and capacity-building of the police, and has begun to implement a co-location programme, which will facilitate the provision of advice, support and training activities at all levels of the police. As at 9 May, 415 civilian police officers were taking part in the co-location programme at central-level offices and police stations, which has improved the working relationships, information exchanges and capacity to provide tactical support to the police. The Mission is negotiating a memorandum of understanding with the national police to institutionalize and strengthen the co-location programme. The investigative capacity of key units such as the judicial police, to which 14 MINUSTAH police advisers have been assigned, has also been reinforced. Because of the lack of a formal intelligence structure within the police, however, the current capacity for proper intelligence gathering and analysis is not yet adequate. The limited number of MINUSTAH police personnel, particularly French-speaking officers, has hampered the pace of the Mission's training and capacity-building programmes.

24. MINUSTAH police advisers at the Police Academy continued to supervise and assist in the training of the sixteenth national police class, which comprised 368 new recruits, including 15 women. In addition, MINUSTAH assisted in the training of 37

police commissioners and 49 police inspectors, including 4 women. Field service training began on 17 March for officers in the Northern District (281 officers) and the North-Eastern District (82 officers). MINUSTAH police also continued to participate in the implementation of the joint vetting programme for the Haitian police, initially launched by OAS and the United States Government in June 2004. From 24 February to 19 April, MINUSTAH police and OAS officers interviewed 923 candidates for the seventeenth class, scheduled to begin late in May 2005; 794 of the candidates were cleared for training. At the request of the Transitional Government, 227 former military from Cap-Haïtien will go through the vetting programme and those eligible may be selected to participate in the seventeenth class.

25. MINUSTAH started implementing a pilot project in one police station aimed at improving facilities in police stations to receive women victims of violence who want to file a complaint. Children's rights issues have been included within the training modules for senior police officers.

IV. Restoration of State authority and strengthening of public administration

26. As at 18 April 2005, the Transitional Government had appointed all 140 municipal commissions. It was also taking steps to reorganize central structures, liaise with the appointed mayors and progressively take over administrative responsibilities in the countryside. Local State institutions often remain absent or inefficient, however, in part because of the lack of material resources (especially in rural areas) and the lack of communication with the Transitional Government. Moreover, the population's distrust of State institutions is preventing the State from collecting taxes, affecting its credibility and efficiency. While local administrations receive a budget allocation to pay for salaries, there is usually no provision for goods and services, or investment.

27. In cooperation with UNDP and bilateral partners, MINUSTAH has undertaken a programme to support the local public administration, to strengthen the legal framework and to enhance the participation of citizens in local decision-making and planning. A handbook on municipal administration was finalized with the Ministry of the Interior; in addition, MINUSTAH has published a record of applicable legislation for local administration and governance.

28. Some former Administrative Commissions of the Sub-Municipal Section are still operational throughout the country. In the most remote areas of the country, where the national police was absent and where MINUSTAH does not have a permanent presence, some of the Commissions were reportedly replaced by informal or even illegal groups that took on administrative and policing tasks, while others continued to collaborate with the Chefs de Section, a former rural police affiliated to the former military. The Mission has documented most cases during field visits or from reports of community leaders and organizations, so as to follow up once the national police has been deployed and new local authorities are in place after the elections later in the year.

V. Human rights

29. The human rights situation remained alarming. Cases of summary execution, prolonged pre-trial detention, arbitrary arrest, disregard for due process, ill-treatment, and rape continued to be reported. Impunity continued to exist. Cases documented by women's organizations indicate that approximately 72 per cent of the rape victims are minors. In addition, the Transitional Government has yet to conduct proper investigations into cases where national police officers have allegedly been involved.

30. The justice system continued to be marked by significant shortcomings which hinder the proper administration of justice, protection of human rights and recourse to legal redress. The prolonged pre-trial detention of Yvon Neptune and Jocelerme Privert is an emblematic example. After their voluntary return to the National Penitentiary on 19 February 2005, both detainees began a hunger strike to protest against their detention and lack of proper security guarantees resulting in their hospitalization. Messrs. Privert and Neptune were taken to Saint-Marc — on 18 and 22 April respectively — to appear for the first time before the examining magistrate responsible for investigating the so-called "La Scierie" massacre in February 2004. Only Mr. Privert was questioned by the judge. The day of Mr. Neptune's appearance, the judge, who reportedly was not aware of the transfer, was not present in the court building. As at 1 May, Messrs. Privert and Neptune remained in detention in the annex of the National Penitentiary. On 17 April, Mr. Neptune resumed his hunger strike and declined to be transferred to a medical facility in the Dominican Republic unless all charges against him were withdrawn. The situation continues, and Mr. Neptune's health is seriously deteriorating. At the time of writing of this report, Mr. Neptune had yet to be seen by a judge. Also of particular concern is the decision of the Supreme Court on 3 May annulling the conviction of 14 persons who had been charged with the killing in 1992 of supporters of former President Aristide, and ordering their release from detention.

31. MINUSTAH human rights officers have been deployed to 8 of the 10 administrative districts of Haiti. They visited police stations and detention centres, giving special attention to the situation of women detainees. They also followed up a number of individual cases, and interviewed victims and their relatives. MINUSTAH established a Joint Special Investigation Unit, composed of human rights and civilian police officers, which has identified a series of priority cases of alleged human rights violations. Although the unit is not yet operational, it is expected that investigations on those cases will begin shortly.

32. The independent expert on the situation of human rights in Haiti, Louis Joinet, visited Haiti from 31 March to 7 April 2005. He presented his latest report to the Commission on Human Rights on 15 April 2005.

Child protection

33. Violence against children, including sexual violence, continued to be a source of grave concern, particularly in the impoverished districts of Port-au-Prince. Reportedly, since the beginning of 2005, at least 50 children have died in Cité Soleil as a result of gang violence and, according to testimony obtained by MINUSTAH, many others have been victims of rape by gang members. UNICEF and MINUSTAH are investigating human rights violations against children allegedly perpetrated by

national police officers, such as the killing of two minors on 9 April in Cité de Dieu, and the fatal shooting of a 4-year-old girl on 10 February in Pétionville.

34. The relevant institutions of Haiti, non-governmental organizations, UNICEF and MINUSTAH have been working on a strategy to separate children from armed groups. An understanding has been reached between organizations dealing with children's rights, MINUSTAH and the Ministries of Justice and Social Affairs that the disarmament, demobilization and reintegration of children participating in gang activity should be handled outside the criminal justice system. MINUSTAH organized focus groups, involving residents affected by violence and community leaders, to develop modalities for reintegrating juvenile members of the armed groups into their communities.

VI. Humanitarian situation and development

35. Emergency food distribution in Gonaïves, which was initiated in the wake of the floods caused by tropical storm Jeanne on 17 and 18 September 2004, ended on 14 March 2005. The World Food Programme alone distributed a total of 6,386 tons of food in Gonaïves and other affected areas to more than 160,000 people. More specific food-assistance projects targeting vulnerable groups continued to be implemented (see S/2005/124, para. 41), as well as cash-for-work and school canteen programmes, and reconstruction of schools, health centres and other social infrastructure. Approximately 400 persons remain in temporary shelters around the cities of Gonaïves and Mapou, a community in the south-east of the country which was flooded in May 2004. While the emergency situation has ceased, health and sanitary conditions continued to be precarious. The United Nations flash appeal, launched in October 2004 in response to the disaster, was closed on 31 March 2005; only 37 per cent of the total resources requested were received. The Transitional Government has now embarked on medium- to long-term reconstruction efforts (see S/2005/124, para. 42), and has adopted a strategic framework for the reconstruction of the city for a total cost of $107 million.

36. A severe drought was reported in the south-west of the country. Hygiene-related diseases are increasing. Emergency and recovery assistance has been programmed, in coordination with United Nations agencies and non-governmental organizations, namely, the provision of food supply, seeds and agricultural inputs, for approximately 11,000 families affected.

37. With the hurricane season approaching in June, MINUSTAH and the United Nations country team have reinforced the integrated contingency plan for natural disasters and coordinated with national disaster plans to ensure a well-synchronized response to the provision of life-saving support and assistance when required.

38. The tense security environment in Port-au-Prince, in particular in the shantytowns, continued to hamper the work of humanitarian organizations and required coordination of activities between MINUSTAH and the aid community. Violence in the capital has resulted in the outflow of an estimated 200 to 300 people into the mountains surrounding the city. In the absence of a local presence of the Office of the United Nations High Commissioner for Refugees, MINUSTAH is monitoring the rights of those internally displaced persons.

Interim Cooperation Framework

39. The implementation of the Interim Cooperation Framework, bringing together the medium-term priorities of the Transitional Government and those of the international community, is progressing slowly. Pledges in July 2004 totalled $1.37 billion. The Transitional Government reported, however, that as of March 2005 disbursements amounted to only $266 million. Seventy-two per cent of the disbursements were made in support of access to basic services, economic governance and institutional development; 22 per cent were allocated to political governance, national dialogue and economic recovery; and 6 per cent were allocated for budgetary aid, arrears and unallocated funds. At a ministerial meeting on assistance to Haiti, convened by the Government of France in Cayenne on 18 March 2005, the donor community reiterated its support to the Transitional Government and pledged assistance in promoting confidence-building among the Haitian population by accelerating project approval and implementation. Participants agreed to finance 380 high-impact/high-visibility projects within the Interim Cooperation Framework, at an estimated cost of €750 million.

Quick-impact projects

40. As at 9 May 2005, 57 quick-impact projects were being implemented in various areas including agriculture, education, health, HIV/AIDS, rehabilitation of infrastructure, water and sanitation. Five of the quick-impact projects have been implemented by MINUSTAH troops, mainly in the area of rehabilitation of infrastructure.

Gender

41. In February 2005, national and international partners in the inter-agency national plan on violence against women held a workshop to define a national strategy on developing measures to tackle cases of violence against women, with a strong emphasis on sexual violence. A poster campaign on the prohibition of sexual exploitation and abuse was launched in all of the Mission's offices. All new staff members received compulsory training on the United Nations standards and policy regarding sexual exploitation and sexual abuse.

Prevention of HIV/AIDS

42. MINUSTAH continued to provide awareness training to its personnel and the national police. Jointly with UNAIDS, MINUSTAH developed an HIV/AIDS peer leader training programme to engage its personnel in prevention, education and communication activities, and to establish partnerships with national and international organizations involved in HIV/AIDS response, particularly vulnerable groups and people living with HIV/AIDS. MINUSTAH also continued to participate in the Interim Cooperation Framework Sectoral Round Table on HIV/AIDS.

VII. Mission support

43. Renovation continued at the integrated mission headquarters, where several offices have already been relocated; the building should be fully occupied by the end of July. As at 15 April, 8 of the 10 planned integrated regional offices were in operation throughout the country.

VIII. Mandate and structure of the United Nations Stabilization Mission in Haiti

44. Despite the progress achieved by MINUSTAH in fulfilling its mandate, security challenges are expected to increase in the months leading to elections. Moreover, recent incidents of violence in Port-au-Prince have already put increased demands on MINUSTAH military and police. Various stakeholders in Haiti have requested that the Mission expand its role throughout all stages of the electoral process, recalling that electoral periods in Haiti — before and after the actual polling — have been historically volatile. In this situation and after careful review, my Special Representative and the leadership of MINUSTAH concluded that the Mission's capacity would need to be enhanced in accordance with the proposals outlined below.

45. MINUSTAH is working to strengthen procedures to improve the implementation of its mandate. Following various evaluation missions, several practical steps are being taken, such as developing a set of standard operating procedures guiding the operational activities of the military component and the police component's formed units; enhancing the existing Joint Operations Centre; and developing a mission-wide Joint Mission Analysis Cell responsible for the management of information, so as to better inform the decision-making and planning activities of the Mission.

Military component

46. MINUSTAH troops are currently deployed in nine areas of responsibility. The Force Commander's reserve capacity has been limited as all the deployed contingents are committed to meeting operational requirements throughout Haiti. In the light of the challenges faced during recent operations, it is proposed that an additional infantry battalion of 750 troops be deployed to enhance the Mission's capacity to support the political process and create an environment conducive to the holding of free and fair elections, by enabling it to respond quickly and appropriately to various contingencies, especially in likely "hot spots". The additional battalion would be deployed to enhance the capacity of MINUSTAH to address gang violence in the critical shantytown of Port-au-Prince, Cité Soleil. In addition, this battalion will strengthen the Mission's "surge" capacity by acting as a quick reaction force. Finally, this battalion will be needed to handle the potentially volatile security environment in the eastern part of the Central District, which includes sensitive areas such as Croix-des-Bouquets and the south-eastern stretch of the Haitian border. To be able to undertake these operations successfully, the battalion would need to have the appropriate configuration and include mechanized units that can react rapidly to any serious threats. In addition, MINUSTAH will reconfigure the already available troops to enhance capacity in the outlying areas.

47. To enhance the command-and-control arrangements of the MINUSTAH military component, the Mission intends to create a new sector headquarters covering the region of Port-au-Prince so as to separate the strategic from the tactical command. This would require approximately 50 staff officers. The total requirement proposed for MINUSTAH troops is thus an additional 800 personnel, which would raise the new military ceiling from 6,700 to 7,500 troops.

Police component

48. Currently, formed police units are deployed in Port-au-Prince (4 units), Les Cayes (1 unit) and Gonaïves (1 unit) to support the national police in static security duties, general operational back-up and crowd control. To increase the Mission's ability to deal with potential civil disorder in connection with the electoral campaign and the aftermath of the elections, MINUSTAH needs to reorient existing resources and to enhance its coverage of the country with formed police units. It is envisaged that one of the units currently in Port-au-Prince would move to Cap-Haïtien prior to the elections. As previously reported (S/2004/908, para. 53), an additional formed police unit of 125 officers within the current authorized strength would be deployed. Of these, 40 personnel have already been added to one of the Jordanian units in Port-au-Prince, and 85 officers from Senegal, constituting the seventh unit, will be deployed to Hinche shortly. Since Hinche is likely to continue to be a particularly sensitive area, this seventh unit should be deployed there on a permanent basis. In addition to the already authorized force, one additional formed police units should be deployed in Port-au-Prince as surge capacity until after the new government is installed in February 2006. That unit would also serve as a tactical reserve, available for deployment in whole or in part to provide assistance elsewhere in the country as required.

49. In order to enhance the Mission's activities to professionalize the Haitian National Police, the police component plans to strengthen its involvement in the vetting programme, which will encompass not only new recruits but also current officers; in investigations related to human rights abuses or other serious security incidents; and in election-related activities. MINUSTAH experience in assisting the national police has shown the pressing need to strengthen the role of civilian police officers in providing practical guidance to the Haitian police at all levels. In order to address these needs, MINUSTAH will require that the numbers making up the seventh formed police unit and the strengthened Jordanian unit be replenished by new civilian police personnel (125 officers) whose deployment had been postponed to allow for the establishment of the formed police units as well as 25 additional officers. The total requirement proposed for the MINUSTAH police component is 275 additional personnel, which would raise the new police component ceiling from 1,622 to 1,897 police officers (including 1,000 officers in formed police units).

Support for the judiciary

50. The overwhelming majority of citizens detained in Haitian prisons have not been accorded due process. Further to the proposals contained in my report of April 2004 (S/2004/300, paras. 35-38), the Mission is working closely with the Transitional Government to expedite the judicial procedures for all cases of prolonged pre-trial detention, and exploring possible solutions such as the establishment of an ad hoc commission to review the cases of detainees. More generally, the Transitional Government requires assistance to overcome the

deficiencies in the justice and penal sectors. MINUSTAH is exploring with the respective Haitian institutions the possibility of playing a more direct and proactive role in this area, including through the appointment of international experts, acting as monitors and/or observers, exercising direct technical follow-up of certain proceedings, and providing legal advice to the judiciary.

International independent electoral observation

51. Under its current mandate, the election-related activities of MINUSTAH in support of the Transitional Government and the Electoral Council focus on the provision of security, as well as technical, logistical and administrative assistance. These activities are carried out in close cooperation with OAS. It is essential to ensure the transparency and credibility of the ballot to encourage broad participation. To this end, international electoral observation will be desirable to help ensure that the electoral authorities prevent and correct irregularities. It is expected that a number of international organizations and individual Member States would be willing to deploy electoral observers and would soon initiate discussions in this regard with Haitian authorities.

52. There will be a need to establish a well-defined framework for collaboration among the various international observer groups to facilitate the activities of observers on the ground, to ensure appropriate geographical coverage and to provide guidelines on the application of common standards. Such a framework could support the Electoral Council and the Transitional Government in achieving greater transparency and credibility by facilitating and supporting the work of international observers. Assistance to the observers could include, inter alia, provision of briefing and training materials, the provision of a venue for meetings, and the preparation of a plan to ensure broad geographical coverage and facilitate their deployment throughout the country, for example, through logistical arrangements. The framework would help the participating international institutions to work in close cooperation with Haitian institutions and organizations engaged in national electoral observation. It should be noted that the modalities for the establishment of the framework will depend on further developments concerning the participation of international electoral organizations and Member States in international observation. Once an agreement has been reached, funding for these activities would have to be sought and secured.

IX. Financial aspects

53. By its resolution 59/17 of 29 October 2004, the General Assembly appropriated the amount of $379,046,800 for the period from 1 July 2004 to 30 June 2005. The assessment of the amount of $24,960,098 for the period from 2 to 30 June 2005 is subject to the decision of the Security Council to extend the mandate of the Mission.

54. Should the Security Council decide to extend the mandate of MINUSTAH beyond 1 June 2005, the cost of maintaining the Mission until 30 June 2005 would be limited to the amount approved by the General Assembly.

55. The report containing the budget for the period from 1 July 2005 to 30 June 2006, which amounts to $478,055,100, will be reviewed by the General Assembly during the second part of its resumed fifty-ninth session.

56. As at 31 March 2005, unpaid assessed contributions to the Special Account for MINUSTAH amounted to $83.3 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1,293 million.

X. Observations

57. Over the past few months, MINUSTAH has made progress towards creating an environment in which the political transition can unfold. This progress remains fragile, however, and key challenges lie ahead as the political transition enters a crucial phase. Further outreach by the Transitional Government is essential to obtain the confidence and support of the population. Likewise, strong and coordinated support by the international community is essential. The Transitional Government and the Haitian people, with the support of the international community, must now redouble their efforts to advance this process. The visit of the Security Council mission to Haiti from 13 to 16 April, in conjunction with the Ad Hoc Advisory Group on Haiti of the Economic and Social Council, represented an important demonstration of commitment to addressing the needs of Haiti.

58. There have been signs of improvement in the security situation following successful operations by MINUSTAH and the Haitian National Police, with a view to curbing the activities of illegal armed groups and reducing their activities. These efforts must be maintained, to eliminate potential threats to the approaching electoral process.

59. However, unless real progress can be achieved in the disarmament, demobilization and reintegration programme, the security situation will remain uncertain. It is encouraging that some former military personnel are now willing to voluntarily enter the disarmament, demobilization and reintegration process; it is crucial that all illegal armed groups lay down their weapons. I urge the Transitional Government to ensure the prompt implementation of a comprehensive disarmament, demobilization and reintegration programme so that these first steps can be encouraged and capitalized upon. In addition, I urge the international community to help secure the necessary funds to successfully implement the programme.

60. The launching of the electoral process and the national dialogue is a welcome development. I encourage all Haitian citizens to participate fully in both processes as an important step towards consolidating democracy in Haiti. The Transitional Government needs to do more to secure broad participation in these processes, and to ensure that legislation conducive to such participation is in place. I call upon the Transitional Government to address the concerns raised regarding the electoral law so as to maintain the independence of the Electoral Council and to create an even playing field for all the candidates. Political leaders in Haiti have a special responsibility to ensure the success of both the national dialogue and elections. The Transitional Government and the leaders of political parties and civil society must also ensure that these processes are sustainable and result in a realistic and achievable vision for the future of Haiti, the first step being the installation of an elected government. I also urge the international community to redouble its efforts to support the electoral process in Haiti. In particular, I call upon the donor community to ensure that the necessary financial means are available. I welcome the offer of CARICOM to provide technical assistance to the electoral process.

61. I remain deeply concerned about the human rights situation and the impunity enjoyed by those who commit violations of human rights. There is an urgent demand for justice in Haiti. I appeal to the Transitional Government to set the example by promptly initiating an investigation into those human rights violations allegedly committed by national police officers. The State institutions responsible for guaranteeing respect for the rule of law — including the police, the justice and prison systems — remain particularly weak. I therefore encourage the Transitional Government to explore practical means by which the international community might provide immediate assistance to expedite some of the most sensitive cases. Furthering the reform of the justice and penal systems should be pursued in parallel to the efforts to professionalize the police. Demonstrable progress in these key areas will be crucial to building the confidence of the Haitian population in its national institutions. The commitment of the Transitional Government and the police to take the reform forward, as well as to work effectively with MINUSTAH in police operations and reform, also needs to be strengthened. I urge the Transitional Government to ensure that the technical advice and recommendations provided by the Mission's civilian police officers are implemented by national police officers at all levels.

62. The slow progress in disbursing funds pledged under the Interim Cooperation Framework remains a major source of concern. While some efforts have been made to move forward on this, I hope that they will translate into visible improvements in the short term, thus conveying a message to the Haitian people that democracy can have tangible benefits in their daily lives.

63. The United Nations remains committed to supporting the Transitional Government in its efforts to ensure the success of the political transition. To enable MINUSTAH to implement its mandate more effectively, I recommend that the Security Council approve the proposals set out in section VIII above regarding adjustments to the mandate of MINUSTAH, including its authorized strength, which would require additional international and local civilian staff. I also recommend that the Mission be extended for a further period of 12 months, until after the electoral process and the establishment of the newly elected Government of Haiti.

64. I am grateful for the continuing engagement of the countries contributing troops and police personnel to MINUSTAH, as well as to the Core Group for facilitating the implementation of the mandate of MINUSTAH. I welcome the efforts of the Secretary-General of the International Organization of la Francophonie to encourage States members of that Organization to respond to the Mission's need for additional French-speaking police officers.

65. I would like to pay special tribute to the troops and police personnel of MINUSTAH, who continue to carry out their crucial tasks in difficult circumstances. Homage is due to the peacekeepers who died while participating in security operations to help stabilize Haiti. I wish to pay special tribute to the Governments of Jordan, Nepal, the Philippines, Sri Lanka and Uruguay, whose nationals died while discharging their tasks.

66. I also thank the United Nations agencies, funds and programmes and all other organizations, agencies, contributors and donors for their continuing commitment. Finally, I should like to reiterate my deep appreciation to my Special Representative, Juan Gabriel Valdés, for his untiring efforts, and to all MINUSTAH staff for their dedication and work in advancing the transitional process in Haiti.

Annex I

United Nations Stabilization Mission in Haiti: countries providing military staff and contingents (as at 9 May 2005)

Country	*Staff officers*	*Troops*	*Total*
Argentina	7	548	555
Benin	1	—	1
Bolivia	6	—	6
Brazil*	12	1 200	1 212
Canada	2	—	2
Chile	6	533	539
Croatia	1	—	1
Ecuador	1	66	67
France	3	—	3
Guatemala	1	70	71
Jordan	3	748	751
Morocco	1	164	165
Nepal	8	748	756
Paraguay	6	—	6
Peru	2	205	207
Philippines	2	134	136
Spain	—	200	200
Sri Lanka	2	750	752
United States of America	4	—	4
Uruguay	4	772	776
Total	**72**	**6 138**	**6 211**

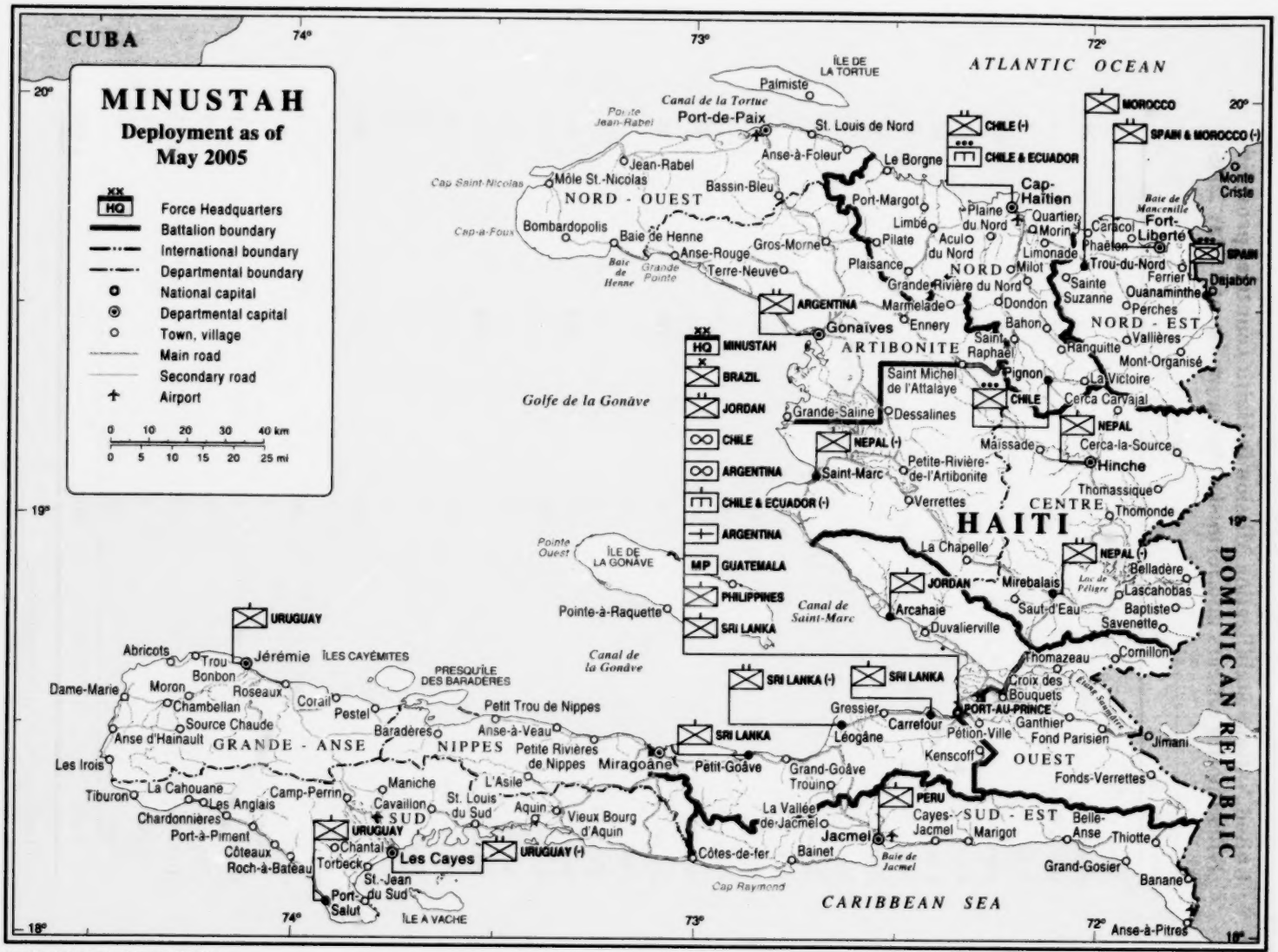
* Including the Force Commander.

Annex II

United Nations Stabilization Mission in Haiti: countries providing civilian police officers and formed police units (as at 9 May 2005)

Country	*Civilian police officers*	*Formed police units*	*Total*
Argentina	5	—	5
Benin	29	—	29
Bosnia and Herzegovina	12	—	12
Brazil	3	—	3
Burkina Faso	42	—	42
Cameroon	43	—	43
Canada*	99	—	99
Chad	19	—	19
Chile	38	—	38
China	8	125	133
Egypt	14	—	14
El Salvador	4	—	4
France	53	—	53
Ghana	27	—	27
Guinea	23	—	23
Jordan	4	290	294
Mali	8	—	8
Mauritius	2	—	2
Nepal	8	125	133
Niger	10	—	10
Nigeria	10	—	10
Pakistan	—	250	250
Philippines	10	—	10
Portugal	3	—	3
Romania	4	—	4
Senegal	50	—	50
Sierra Leone	7	—	7
Spain	29	—	29
Sri Lanka	3	—	3
Togo	4	—	4
Turkey	8	—	8
United States of America	25	—	25
Uruguay	9	—	9
Zambia	10	—	10
Total	**623**	**790**	**1 413**

* Including the Police Commissioner.



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General Assembly
Security Council

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Fifty-ninth session
Agenda item 36
The situation in the Middle East

Security Council
Sixtieth year

Letter dated 13 May 2005 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

In my capacity as the representative of the country which hosted "Quartet" Ministerial meeting of the Middle East Peace Process international intermediaries I have the honour to transmit to you its final statement.

I would be grateful if the text of this letter and its annex could be distributed as a document of the Security Council at the General Assembly under agenda item 36 of the fifty-ninth session.

Please accept, Excellency, the assurances of my highest consideration.

(*Signed*) Andrey **Denisov**

05-34421 (E) 160505 160505

Annex to the letter dated 13 May 2005 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

Quartet Statement, Moscow, Russia, 9 May 2005

The Quartet met today in Moscow. The Quartet emphasizes that this is a hopeful and promising moment for both Palestinians and Israelis, and that they deserve the full support of the international community in helping them with the hard work and difficult decisions required in order to make positive use of this opportunity. The Quartet welcomed the commitments of the parties at the Sharm el-Sheikh summit of 8 February 2005 and urged them to renew their efforts to fulfil the commitments they agreed to at that time, in order to maintain momentum at this fragile moment of opportunity. The Quartet, underscoring the urgency of the matter, affirms its commitment to fully support the efforts of both parties to ensure successful Israeli withdrawal from Gaza and parts of the northern West Bank.

The Quartet strongly reiterated its commitment to the two-state solution, and to Israeli withdrawal as a way to re-energize the Roadmap. The Quartet stresses the importance of full and complete Israeli withdrawal from Gaza in a manner consistent with the Roadmap as an important step paving the way towards realizing the vision of two democratic states, Israel and Palestine, living side by side in peace and security. The Quartet affirms that a new Palestinian state must be truly viable, with contiguity in the West Bank; reminds all concerned that a state of scattered territories will not work; and emphasizes that no party should take unilateral actions that prejudge final status issues. The Quartet also affirms that the two-state vision and the Roadmap are the best means of achieving a settlement negotiated between the two parties, leading to a permanent peace and an end to the occupation that began in 1967. With respect to this, the Quartet observes that the Roadmap has been endorsed by Israel and the Palestinian Authority and remains the objective of the international community; and urges both parties to take steps to fulfil all their obligations under the Roadmap.

The Quartet expresses its full support for James Wolfensohn, its Special Envoy for Gaza Disengagement. His mandate is to focus on the non-security aspects of withdrawal, particularly disposition of assets; passages, access and trade; and revival of the Palestinian economy during and after Israeli withdrawal. This will require close coordination with both Israel and the Palestinians to identify and implement those actions and policies that will ensure a smooth and successful implementation of the Israeli initiative. On the Palestinian side, this includes above all a strong commitment to security reform and performance; and the building of transparent, accountable government institutions and an investor-friendly climate, with a view to restoring growth. On the Israeli side, this involves relieving the economic hardships faced by the Palestinian people and facilitating rehabilitation and reconstruction by easing the system of restrictions on the movement of Palestinian people and goods and taking further steps to respect the dignity of the Palestinian people and improve their quality of life — without endangering Israeli security — and taking into consideration the World Bank report of December 2004. At the London meeting on 1 March 2005 the international community underscored its readiness to play a vital role by providing financial support to the Palestinians at this critical moment. Creating the environment conducive for a long-term,

sustainable and viable economic development of all the Palestinian territories would constitute a suitable basis for additional assistance efforts by the international community.

The Quartet emphasizes Mr. Wolfensohn's mandate to promote direct dialogue and cooperation between Palestinians and Israelis on these economic issues, to ensure a smooth transition in Gaza and parts of the northern West Bank. In this context, the Quartet stresses the urgent need for Israelis and Palestinians to coordinate directly and fully on withdrawal preparations.

The Quartet recognizes that economic development and progress on security go hand in hand as security reforms and the re-establishment of the rule of law are necessary to create an enabling environment for economic growth and political progress. The Quartet also recognizes the need for continued efforts by the international community to assist the Palestinian Authority in accomplishing these tasks, including rebuilding the capabilities of the Palestinian security services. Ongoing assistance by the international community, in particular members of the Quartet and countries of the region, constitutes a significant contribution to these efforts. The Quartet calls upon Israel and the Palestinian Authority to facilitate these efforts.

In that regard, the Quartet expresses its full support for General William Ward, United States Security Coordinator, to assist the Palestinians in reforming and restructuring their security forces, and to coordinate international assistance towards those efforts. The Quartet welcomes the recent concrete steps that President M. Abbas has taken towards reform of the Palestinian security services, and stresses the need to continue implementation of these reforms in order to permanently reinstate law and order in Gaza and the West Bank.

The Quartet commends the Palestinian people's and leadership's commitment to democracy and attaches great importance to a successful continuation of the democratic process. The latest round of municipal elections has just been conducted. The Quartet commends the Government of Israel for facilitating the operations. The holding of free, fair and transparent multi-party legislative elections in the West Bank, Gaza and East Jerusalem, under the scrutiny of international observers, will be another vital step forward on the path towards building a reformed and accountable Palestinian Authority. As additional voter registration for these elections has just begun, the Quartet calls on both the Palestinian Authority and Israel to urgently take all necessary steps, including freedom of movement for candidates and voters, to achieve this goal and renews its offers of technical support and providing election observation services.

The Quartet deems it necessary to ensure continued efforts aimed at full implementation of the Roadmap following Israeli withdrawal from Gaza and parts of the northern West Bank.

The Quartet reiterates its commitment to the principles outlined in its previous statements, including those of 1 March 2005 and 4 May 2004; and reaffirms its commitment to a just, comprehensive, and lasting settlement to the Arab-Israeli conflict based upon United Nations Security Council resolutions 242 and 338, and will remain engaged with all parties to help ensure that progress towards this goal is achieved.

United Nations S/2005/315

Security Council

Distr.: General
13 May 2005

Original: English

Letter dated 13 May 2005 from the Permanent Representative of Nigeria to the Untied Nations addressed to the President of the Security Council

In my capacity as the representative of the current Chairman of the African Union. I have the honour to transmit herewith a communiqué adopted by the Peace and Security Council of the African Union at its twenty-ninth meeting, held in Addis Ababa, Ethiopia, on 12 May 2005, on the situation in Somalia (see annex).

I should be grateful if the text of this letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Aminu Bashir **Wali**
Ambassador
Permanent Representative of Nigeria to the United Nations
Representative of the current Chairman of the African Union

05-34463 (E) 170505

Annex to the letter dated 13 May 2005 from the Permanent Representative of Nigeria to the United Nations addressed to the President of the Security Council

[Original: English and French]

Communiqué of the twenty-ninth meeting of the Peace and Security Council

The Peace and Security Council (PSC) of the African Union (AU), at its 29th meeting, on 12 May 2005, adopted the following decision on the situation in Somalia:

Council,

1. **Welcomes** the Report of the Chairperson of the Commission on the Outcomes of the Fact-Finding/Reconnaissance Mission to Somalia and the IGAD Military Planning Meetings [PSC/PR/2(XXIX)];

2. **Notes with serious concern** the difficulties facing the reconciliation process, particularly as regards the stabilisation of the security situation and the delayed relocation of the Transitional Federal Institutions (TFIs) to Somalia, and **stresses** that, in the absence of speedy progress on the critical issues facing the reconciliation process, the hard-won gains of the IGAD-led Reconciliation Conference could be undermined, with far-reaching consequences for Somalia and the region as a whole;

3. **Takes note** of the efforts deployed by the Transitional Federal Government (TFG), the other TFIs and the Somali parties, to resolve the problems facing the reconciliation process, including the recently announced Mogadishu Security and Stabilisation Plan (MSSP). Council **further notes** the bill adopted, on 11 May 2005, by the Transitional Federal Parliament (TFP) on the issue of the relocation of the TFG and the deployment of the IGAD Peace Support Mission to Somalia (IGASOM), and **urges** the TFIs and the Somali parties to continue to engage in dialogue with a view to reaching the broadest possible consensus on these issues, as well as on the modalities for disarmament and the stabilisation of the security situation in Somalia. Council **further urges** the TFG to intensify dialogue with all the Somali stakeholders with a view to deepening the reconciliation process;

4. **Authorises** the deployment of Phase I of IGASOM, as agreed upon by the 24th Ordinary Session of the IGAD Council of Ministers, held in Nairobi, on 17 –18 March 2005, to undertake the following:

- facilitate the relocation of the TFIs;

- provide protection to the TFIs, as appropriate, to enable them carry out their functions;

- initiate, in collaboration with the TFIs and all concerned Somali parties, steps towards the re-establishment and training of all-inclusive Somali security forces;

- provide, within capabilities and as appropriate, support to the disarmament and stabilisation efforts;

- monitor, in areas of deployment of its forces, the security situation;

- protect its personnel, installations and equipment;

- facilitate, as may be required and within capabilities, humanitarian operations; and

- create conditions for the take over of IGASOM by the AU at the end of Phase I.

5. **Requests** IGAD to continue to work with all the Somali parties to promote the widest possible support for the deployment of IGASOM, bearing in mind the sentiments and concerns expressed to the AU-led Fact-Finding/Reconnaissance Mission, as reflected in the Report of the Chairperson;

6. **Calls** on the AU Member States and the international community at large to provide political, financial and logistical support to IGASOM, bearing in mind that the ongoing process is based on consensus as understood by the Somali society;

7. **Requests** the Commission, jointly with IGAD, to take all necessary steps to mobilize financial and logistical support from AU partners, including the European Union (EU) and its Member States, the League of Arab States (LAS) and the other bilateral partners;

8. **Requests** the United Nations Security Council to authorize an exemption on the arms embargo imposed against Somalia by resolution 733 (1992) of 23 January 1992, to allow the personnel of IGASOM and that of the envisaged AU peace support mission in Somalia to bring in the military equipment necessary for the execution of their mandates;

9. **Requests** the Commission to speed up the operationalization of the Advance Mission for Somalia authorized by decision PSC/PR/Comm(XXII) of 5 January 2005, with a view to providing the necessary backup to IGASOM and the overall reconciliation process in Somalia, as well as undertaking adequate preparations for the takeover of IGASOM by the AU at the end of Phase I. Council **further requests** the Commission to accelerate the finalization of the recommendations on the size, structure, tasks and funding requirements for the envisaged AU peace support mission to Somalia, to be submitted to it, in accordance with decision PSC/PR/Comm(XXII);

10. **Decides** to remain seized of the matter.

United Nations S/2005/316

Security Council

Distr.: General
16 May 2005

Original: English

Letter dated 16 May 2005 from the Permanent Representative of Denmark to the United Nations addressed to the Secretary-General

I have the honour to inform you that during the presidency of Denmark, the Security Council is scheduled to hold a debate on the subject of post-conflict peacebuilding on Thursday, 26 May 2005.

Denmark has prepared the attached non-paper to help guide the discussion on this subject (see annex).

I would be grateful if you could have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Ambassador
Permanent Representative

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Annex to the letter dated 16 May 2005 from the Permanent Representative of Denmark to the United Nations addressed to the Secretary-General

Discussion paper for the open debate on Post-Conflict Peacebuilding on May 26, 2005

On May 26, 2005, The Danish Minister for Foreign Affairs, Dr. Per Stig Møller, will preside over an open debate of the Security Council on post-conflict peacebuilding. The Secretary-General and the President of the World Bank or his representative are expected to address the Council on the issue.

The objective is to discuss the current policy-, institutional-, and financial challenges in post-conflict peacebuilding with a view to strengthening coherence and consistency of Security Council action while keeping in mind that the Council is but one of several players in this field. The open debate is not intended to duplicate the current deliberations in the General Assembly on possible modalities of a Peacebuilding Commission and other reform proposals in the Secretary-General's report *In Larger Freedom*, but rather to address some of the underlying problems and issues in peacebuilding.

In recent years, the Security Council has become increasingly involved in setting the broad parameters for post-conflict peacebuilding, which refers to the period immediately following cessation of hostilities and encompasses the daunting tasks of reconciliation, reconstruction and transformation. The UN today often intervenes on the basis of a multidimensional mandate that extends well beyond responding to humanitarian needs and the monitoring of a peace-agreement. The goals of peacebuilding are to rebuild the state and its institutions, to establish effective and democratic governance and rule of law, to ensure an environment of security, in order to prevent relapse into violence and lay the foundation for long-term sustainable development. Although the United Nations has made significant progress in managing post-conflict situations, inter alia based on the findings of the Brahimi report, substantial challenges remain in the *policy-, institutional-, and financial* fields.

Delegations participating in the open debate may wish to address some of the following issues:

- One important *policy challenge* is to ensure greater ownership and capacity among local actors to devise and implement post-conflict peacebuilding strategies in order to make them more acceptable, implementable and sustainable. More should be done to develop truly participatory dialogues between the UN and local stakeholders and build capacity to respond to the unique circumstances surrounding each conflict situation. Ownership is, however, no panacea for peace and stability. In some cases it may be necessary for the UN to regard ownership as the end, not the means, of its presence in a country. Typically, this would apply when insecurity demands the UN to assume state-like functions. In such situations the UN must communicate clearly to the public the rationale for its decisions in this regard. Local

capacity building and preference to local procurement are ways of strengthening local empowerment and involvement. Another *policy challenge* relates to the growing realization that narrowly conceived country-based peacebuilding strategies are unlikely to succeed in regional settings where conflicts have interlocking political, security, humanitarian and economic dynamics across borders. Policies will thus have to be conceived and implemented with a clear regional perspective.

How do we square the imperative of breeding ownership to peacebuilding strategies through inclusive and consultative processes with the often legitimate expectation of rapid outside intervention to stabilize the situation in circumstances where local state structures are weak and incapable of assuming such functions ? How do we strengthen the ability of international actors to adapt their assistance to the political dynamics of the war-torn societies they seek to support? Could and should more be done to fashion regional solutions to cross-border problems (e.g. mercenaries, including child soldiers in West Africa) ?

- Providing assistance in re-building a war-torn society requires a comprehensive strategy. As widely acknowledged, there is, however, currently no clear *institutional* mechanism for the formulation of a comprehensive strategy for peacebuilding. Typically, the Security Council formulates a mandate that identifies a number of goals to be achieved, but these mandates do not contain a description on *how* these goals are to be achieved. Although some progress has been made in recent years there is need to ensure much stronger involvement from the UN development and humanitarian agencies in the UN Integrated Mission Planning Process for post-conflict situations under the auspices of DPKO. The planning process should be more inclusive, better use should be made of the knowledge and experience already residing in the UN Country Teams and the BWI's, duplication by peacebuilding missions of already existing UN capacities in the field should be avoided, and best practises should be compiled and disseminated in order to avoid "reinventing the wheel" each time. It is a truism that strategies and plans developed at HQ-level with little or no consideration for either the on-going programmes in the country or to contingencies on the ground run the risk of becoming obsolete. But the opposite applies as well: Efforts at integration and coordination at the country-level are likely to have limited effect in the absence of better integration between relevant actors within the political, developmental and humanitarian fields at HQ-level. Further coordination does not in itself ensure ownership, responsibility or accountability. On the contrary, coordination can become an end in itself diverting energy and resources from the implementation in the field. The central challenge of coordination is that all participating actors in fact do commit themselves and feel ownership to an overall strategy and plan.

How do we forge stronger commitment and buy-ins from the various stakeholders within and outside the UN to joint peacebuilding strategies both at country and HQ-level ?

- There is no 'one size fits all' when it comes to the different elements in a post-conflict peacebuilding strategy. An ad hoc approach must prevail taking the unique local circumstances

into account, but some elements are crucial in most post-conflict efforts such as rebuilding institutions, good governance, transitional justice, DDR programmes, and ensure an environment of security. Security sector reform is an element, which is often mentioned, but rarely integrated systematically in post conflict strategies. A particularly crucial element is the rapid (re) establishment of the fundamental principles of the rule of law. Capacity to provide assistance in this field is currently scattered through out the UN system. The European Union has build civilian capabilities in various fields, including within the rule of law. Due attention should be paid to be possibilities of the UN benefiting from such capabilities or, in some fields, building its own.

How do we best identify the needs, the tools and the actors when considering a peacebuilding strategy? Should more be done to encourage development funds, programmes and agencies to develop a clearer division of labour based on comparative advantages and to pick up specializations, such as assistance in security sector reform and rule of law, where gaps are identified ?

- Among the *financial* challenges is the ability for rapid response. Although peacebuilding is a long-term endeavour the ability to respond to the immediate needs of the public in the areas of security, justice and living conditions are often critical to winning over the public and establishing the credibility of the UN operation. Still, the UN is notoriously slow in responding to the need for rapid initiation of peacebuilding activities due to the lack of pre-existing funds. Valuable time is thus lost while special appeals are launched and donors respond. While the system is reasonable effective in getting military personnel on the ground in a timely fashion i.a. through rapid deployment arrangements, no similar mechanisms exist to ensure quick deployment of the necessary civilian personnel. As a result vacancy rates for civilian personnel in most operations average 30-50 percent, which severely impairs mission performance in peacebuilding.

What are the options for ensuring adequate, predictable and flexible funding to support post-conflict peacebuilding? Should a greater part of peacebuilding costs be funded through assessed contributions or left to voluntary arrangements ? Should one consider a "Civilians rapid deployment Mechanism" consisting of judges, administrators, police, election observers etc on stand-by for UN missions ?

United Nations S/2005/317

Security Council

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17 May 2005

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Letter dated 13 May 2005 from the Secretary-General to the President of the Security Council

I wish to inform the Security Council of my intention to appoint, in accordance with resolution 1595 (2005), Mr. Detlev Mehlis of Germany as the Commissioner of the United Nations International Independent Investigation Commission established following the assassination of Lebanese Prime Minister Rafik Hariri.

Mr. Mehlis is a Senior Public Prosecutor for the State of Berlin and has substantial experience in investigating serious and complex crimes. During his 30-year legal career he has worked closely with institutions in numerous countries on matters of transnational criminal law. Mr. Mehlis will proceed to Beirut to take up his assignment as soon as practicable.

(*Signed*) Kofi A. **Annan**

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Security Council

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Letter dated 17 May 2005 from the President of the Security Council to the Secretary-General

I have the honour to inform you that your letter dated 13 May 2005 (S/2005/317), concerning your intention to appoint, in accordance with resolution 1595 (2005), Mr. Detlev Mehlis of Germany as the Commissioner of the United Nations International Independent Investigation Commission established following the assassination of Lebanese Prime Minister Rafik Hariri, has been brought to the attention of the members of the Security Council. They take note of the intention expressed in that letter.

(*Signed*) Ellen Margrethe **Løj**
President of the Security Council

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United Nations A/59/804–S/2005/319

General Assembly
Security Council

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General Assembly
Fifty-ninth session
Agenda item 29
Question of Cyprus

Security Council
Sixtieth year

Letter dated 17 May 2005 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government and further to my letter dated 24 March 2005 addressed to you (A/59/755-S/2005/205), I have the honour to draw your attention to new violations of the flight information region (FIR) of Nicosia and the national airspace of the Republic of Cyprus by military aircraft of the Turkish Air Force, recorded on 30 March 2005, on 4, 6, 13, 14, 15, 18, 20, 25, 27 and 28 April and on 3, 4, 5 and 6 May 2005, as follows.

On 30 March 2005, one C-160 Turkish military aircraft entered the FIR of Nicosia, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou, from where it departed on the same day towards the FIR of Ankara.

On 4 April 2005, one Turkish military aircraft of unknown type coming from the FIR of Ankara entered the FIR of Nicosia, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Krini, where it remained.

On 6 April 2005, one C-130, two RF-4 and two F-16 Turkish military aircraft carried out a total of three violations of international air traffic regulations and two violations of the national airspace of the Republic of Cyprus, as follows:

(a) The C-130 Turkish military aircraft coming from the FIR of Ankara entered the FIR of Nicosia, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou, from where it departed on the same day towards the FIR of Ankara;

(b) The two RF-4 and two F-16 Turkish military aircraft coming in one formation entered the FIR of Nicosia, violating international air traffic regulations, before exiting towards the FIR of Ankara.

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On 13 April 2005, two C-160 Turkish military aircraft entered the FIR of Nicosia, carrying out three violations of international air traffic regulations and three violations of the national airspace of the Republic of Cyprus, as follows:

(a) The first C-160 Turkish military aircraft coming from the FIR of Ankara entered the FIR of Nicosia, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou;

(b) The second C-160 Turkish military aircraft coming from the FIR of Ankara entered the FIR of Nicosia, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou, from where it departed on the same day towards the FIR of Ankara.

On 14 April 2005, one C-160 Turkish military aircraft took off from the illegal airport of Tymbou, violating international air traffic regulations and the national airspace of the Republic of Cyprus, before exiting towards the FIR of Ankara.

On 15 April 2005, one Black Hawk Turkish military aircraft took off from the illegal airport of Krini, violating international air traffic regulations and the national airspace of the Republic of Cyprus, before exiting towards the FIR of Ankara.

On 18 April 2005, one B-200 Turkish military aircraft coming from the FIR of Ankara entered the FIR of Nicosia, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou, from where it departed on the same day towards the FIR of Ankara.

On 20 April 2005, one C-130 Turkish military aircraft entered the FIR of Nicosia, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou, from where it departed on the same day towards the FIR of Ankara.

On 25 April 2005, one Turkish military aircraft of unknown type took off from the illegal airport of Tymbou, violating international air traffic regulations and the national airspace of the Republic of Cyprus, before exiting towards the FIR of Ankara.

On 27 April 2005, one C-160 Turkish military aircraft coming from the FIR of Ankara entered the FIR of Nicosia, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou, from where it departed on the same day towards the FIR of Ankara.

On 28 April 2005, four F-4 Turkish military aircraft coming in one formation and one Turkish military aircraft of unknown type entered the FIR of Nicosia, carrying out two violations of international air traffic regulations and one violation of the national airspace of the Republic of Cyprus, as follows:

(a) The four F-4 Turkish military aircraft coming in one formation entered the FIR of Nicosia, violating international air traffic regulations before exiting towards the FIR of Ankara;

(b) The Turkish military aircraft of unknown type coming from the FIR of Ankara entered the FIR of Nicosia, violating international air traffic regulations and the national airspace of the Republic of Cyprus, before landing at the illegal airport of Krini.

On 3 May 2005, one CN-235 Turkish military aircraft entered the FIR of Nicosia, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou, from where it departed on the same day towards the FIR of Ankara.

On 4 May 2005, one C-130 Turkish military aircraft entered the FIR of Nicosia, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou, from where it departed on the same day towards the FIR of Ankara.

On 5 May 2005, two Turkish military aircraft of unknown type entered the FIR of Nicosia, carrying out two violations of international air traffic regulations and the national airspace of the Republic of Cyprus, as follows:

(a) The first Turkish military aircraft took off from the illegal airport of Krini, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Morfou, before landing at the same airport;

(b) The second Turkish military aircraft of unknown type took off from the illegal airport of Krini, violating international air traffic regulations and the national airspace of the Republic of Cyprus, before landing at the occupied area of Morfou, from where it departed flying towards the occupied area of Ammochostos, where it landed, and later returned to the illegal airport of Krini.

On 6 May 2005, one CN-235 Turkish military aircraft and one Turkish military aircraft of unknown type entered the FIR of Nicosia and carried out three violations of international air traffic regulations and three violations of the national airspace of the Republic of Cyprus, as follows:

(a) The CN-235 Turkish military aircraft coming from the FIR of Ankara entered the FIR of Nicosia, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou, from where it departed on the same day towards the FIR of Ankara;

(b) The Turkish military aircraft of unknown type took off from the illegal airport of Krini, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied areas of Morfou and Kormakitis, before landing at the same airport.

On behalf of the Government of the Republic of Cyprus, I strongly protest the above-cited violations and call for their immediate cessation. As repeatedly indicated in our previous communications, such acts blatantly contravene international law and air traffic regulations and seriously endanger international civil aviation. Moreover, these violations increase insecurity, maintain a climate of tension in a particularly sensitive region and undermine the efforts made to achieve progress in resolving the long-standing Cyprus issue.

Were Turkey to refrain from further violations and to respect the sovereignty, independence and territorial integrity of the Republic of Cyprus, it would contribute significantly to improving the climate and to creating the conditions required for reconciliation and reunification of Cyprus.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 29, and of the Security Council.

(*Signed*) Andreas D. **Mavroyiannis**

United Nations S/2005/320

Security Council

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26 May 2005

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Special report of the Secretary-General on elections in the Democratic Republic of the Congo

I. Introduction

1. The Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, signed by the Congolese parties on 17 December 2002, outlined a transitional process culminating in national elections to be held two years after the inauguration of the Transitional Government in June 2003. The Agreement stipulated that the transition could be extended for two six-month periods if technical preparations for elections were delayed. While considerable difficulties have been encountered during the past two years, the Transitional Government has, nonetheless, made significant strides in implementing the objectives of the peace agreement and the Congolese people are now increasingly focused on the elections.

2. The forthcoming elections will be the first national elections in the Democratic Republic of the Congo since 1965. They will involve a number of formidable challenges: the logistical task of reaching all eligible voters in a country the size of Europe with virtually no roads, a population without identity cards and no census since 1984; insecurity from armed groups in some areas and political tensions in others; and the pressure of the public's high expectations for change. The electoral process will also be affected by a number of key issues on the transitional agenda of which progress remains significantly delayed, in particular integration and reform of the army and police, the legislative agenda, the extension of State administration, and the financial management of the country.

3. The holding of elections is a key element in the transition from a post-conflict to a truly democratic, unified and stable State. It will be essential that these elections are sufficiently credible in the eyes of the Congolese electorate and the political parties to produce broad acceptance of the process and results. By its resolution 1592 (2005) of 30 March 2005, the Security Council called on the parties to the transition to make concrete progress towards the holding of elections, as provided for by the Global and All-Inclusive Agreement, in particular in furthering the early adoption of the constitution and of the electoral law, as well as the registration of voters. The present report provides an overview of progress towards the holding of elections in the Democratic Republic of the Congo, including the legislative and operational framework, the political situation and the security environment. The report, which is based on the findings of a United Nations mission to assess electoral preparations that visited the country in April 2005, also presents

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the plans of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) for assisting the Congolese people to achieve a viable and open electoral process.

II. Status of preparations for the holding of elections

The legislative agenda

4. In spite of considerable delays, important elements of the legislative framework for the holding of elections are in place, including the laws on nationality and voter registration. Still to be adopted are the amnesty, referendum and electoral laws. On 13 May, the National Assembly adopted the post-transition Constitution.

5. The new Constitution will play a critical role in the establishment of post-electoral stability. The draft provides for a unitary State with a substantial degree of decentralization and autonomy for the provinces. It also foresees a semi-presidential system in which the President would be elected by universal and direct suffrage by an absolute majority of votes. The President would appoint a Prime Minister from either the party holding the majority in Parliament or from a coalition of smaller parties constituting a majority. The text provides for a balance of powers between the executive, legislative and judiciary. The Government, which would be accountable before the National Assembly, would determine, in consultation with the President, and implement the policy of State.

6. Equally important will be the text of the electoral law, which should provide the basis for an electoral process that substantially meets international standards of fairness and transparency. In particular, the electoral law should contain inclusive and equitable provisions on the eligibility of candidates, mechanisms for the adjudication of disputes, provisions to deter electoral malpractices, and minimum guarantees for participation. It should clearly spell out the modalities for promulgating regulations in those areas in which it does not itself provide all required detail. Considering the time pressures facing the transition, the law should also contain sufficient flexibility to allow the Independent Electoral Commission to deal with situations not explicitly provided for in the law.

Technical preparations for the elections

7. After a lengthy delay of one year, the Independent Electoral Commission (IEC) was established in June 2004. Over the past year, IEC, which is responsible for organizing and conducting the electoral operations, has done its best to make up for lost time in putting the technical preparations for elections in place. Nevertheless, on 28 April 2005, the President of IEC submitted to the National Assembly his report on the status of electoral preparations and, in accordance with the Transitional Constitution, formally requested the National Assembly to approve an extension of the transition.

8. Over the past year, IEC has established a national base in Kinshasa, 11 provincial offices and most of the planned 64 liaison offices, which act as its operational arm covering the 145 *territoires* and 21 cities that comprise the local administration of the Democratic Republic of the Congo. IEC has also conducted detailed planning and has started work in the four significant areas of its operations:

voter registration, logistics (distribution and retrieval of materials and personnel), public outreach, and the training of short-term electoral staff. As concerns voter registration, a validation test of registration equipment was conducted from 25 April to 1 May, and the first batch of voter registration machines is expected to arrive in the country by early June.

9. To register the estimated 28 million voters, the electoral plan calls for the establishment of approximately 9,000 registration centres throughout the country, with registration carried out on a progressive basis in order to make the maximum use of resources. It is anticipated that voter registration will commence in June 2005, beginning with Kinshasa and other urban areas. The final register of voters will be published once the entire registration process has been completed.

10. Detailed planning for the polling phase will be finalized upon adoption of the electoral law, which will determine the number of polling days and the sequence and levels of the elections. For this phase of the process, IEC plans to split each registration site into three to five polling stations, providing for up to 40,000 polling stations operating in some 10,000 locations for the referendum and national elections.

11. According to the United Nations assessment mission and in the estimation of IEC, the referendum, which would be preceded by a campaign and sensitization period, could be held shortly after the publication of the voters list. The time between the referendum and the national elections will then be determined primarily by the operational requirements of withdrawing, inventorying and redeploying any reusable materials from the referendum, in addition to procurement procedures for new materials.

12. International assistance to the electoral process is coordinated through two principal complementary forums. The Technical Committee of the Joint Commission on Elections, chaired jointly by MONUC and IEC, is the principal coordination forum for all international actors supporting the electoral process. A Steering Committee, composed of donors to the UNDP fund for IEC, has also been established to provide strategic guidance and validate all major disbursement decisions.

13. In June 2004, donors approved an estimated budget of some $285 million to support the electoral process through IEC. UNDP has established a special project to help mobilize resources and manage donor contributions. To date, approximately $181 million of the $285 million budget has been pledged. However, funds actually made available amount only to some $88 million, thus creating a cash flow problem that could have an adverse impact on the procurement of voter registration materials. Of the $20 million committed by the Government of the Democratic Republic of the Congo, actual disbursements thus far amount to only $2 million.

14. The high costs of organizing elections in the Democratic Republic of the Congo are primarily due to the size of the country and its lack of infrastructure. These factors, and the challenges noted above, affect the work of IEC at all levels. While the Commission's provincial offices can broadly be described as operational, their work has been impeded by sub-standard premises and a lack of basic office equipment. While some office equipment is expected to be supplied shortly, the full establishment of the 64 liaison offices has been delayed by difficulties in identifying suitable premises and, in a few cases, lack of cooperation from local authorities. The

delay in the establishment of the liaison offices has meant that the identification of centres for the forthcoming registration of voters has had to be accomplished with the direct involvement of IEC officials at the national level with the support of MONUC field electoral officers.

15. While the electoral budget cover the cost of transportation of equipment and material to the Democratic Republic of the Congo, and of further surface transportation from the 145 *territoires* and 21 cities to the registration and polling stations, it does not include the bulk transportation of electoral materials from Kinshasa to the *territoires* and major cities. Given the size of the country and the lack of roads, this will require a mix of air and river transport assets that are not available locally. Hence, IEC has asked MONUC to take on this responsibility. To achieve economies of scale, it will be essential, in this connection, that logistics planning and execution are closely coordinated between IEC, MONUC and UNDP.

Political environment

16. To date, several hundred political parties have applied to register as participants in the electoral campaign, as required by the law on the organization and operations of political parties promulgated on 15 March 2004. The four major parties include three of the components of the Transitional Government — Parti du peuple pour la reconstruction et la démocratie (PPRD), Rassemblement congolais pour la démocratie-Goma (RCD-Goma) and Mouvement pour la libération du Congo (MLC) — as well as the Union pour la démocratie et le progrès social (UDPS). In addition to these four major political parties, approximately 20 other parties are estimated to hold a considerable electoral base.

17. While, given its history, the Democratic Republic of the Congo does not have experience with peaceful political debate, credible elections will require a free and fair campaign and secure access of the population to registration and polling, without fear of intimidation. There is concern that tensions generated during the electoral period could result in increased violations of civil and political rights. MONUC has already registered and documented violations of freedom of the press, association and expression, and recorded instances of arrests and harassment of politicians or sympathizers of political parties.

18. It should be noted that the present components of the Transitional Government will participate in the electoral process as political parties. It will be necessary that, in this dual role as members of the Transitional Government and electoral candidates, they take steps to ensure that the electoral process is free and fair for all concerned, and perceived as such by the population. While strides have been made in unifying the country and integrating the security forces, there is concern that members of the Transitional Government at all levels may attempt to use their influence, through the military, police, media or Government finances, to manipulate the campaign process.

19. The downturn in the Congolese economy since September 2004 is also a matter of serious concern, both from the standpoint of sound economic management of the country and in regard to the forthcoming electoral period. Major donors have reported increasing signs of financial mismanagement, corruption and a lack of transparency in the collection of revenues and Government expenditures. It has been noted that these trends could be related to the manipulation of revenues by officials who would not expect to return to the administration after the elections, as well as

by those seeking to influence the campaign process. Donors have expressed concern that, while they provide support for half the national budget, the Government is still not covering basic services, including the salaries of civil servants. Serious concern has arisen over the prospect that, with the depreciation of the Congolese franc and increasing rates of inflation, the frustration of the Congolese people, including underpaid military and police personnel, could be easily manipulated by potential spoilers.

Security environment

20. There are a number of potential threats to the security of the electoral process. A major source of concern is the continued existence, in a climate of general insecurity and lawlessness, of armed groups of uncertain allegiance and intentions, particularly in Ituri, North and South Kivu, central and northern Kantanga and, to a lesser extent, Maniema. The activities of spoilers opposed to elections and to the peace process, who might manipulate these groups, could seriously affect the climate in which elections are held, including by delaying or disrupting preparations. These groups could also pose a threat to the deployment of national and international electoral personnel and the access of the population to registration and polling stations.

21. In combination with national integrated military units, MONUC military deployments in Ituri and the Kivus will assist in maintaining an overall security presence in those areas throughout the electoral process. Concern has been raised, however, about security for the elections in northern and central Katanga, where State administration is largely absent and the national armed forces have yet to show the capacity to address security issues related to the presence of Mayi-Mayi groups in those areas. The success of the electoral process will be closely linked to progress in bringing such groups into the processes of disarmament, demobilization and reintegration and security sector reform, in particular army integration. Moreover, a national army operating under one solid chain of command with control over registered, paid, equipped and otherwise sustained troops could provide an additional deterrent against violent challenges to the electoral process and contribute to border security. If the integration of the Mayi-Mayi in Katanga is not urgently addressed by the Government, adequate participation of voters in this region could be put at risk.

22. A second category of security threat relates to law and order and, in particular, to tensions between political parties in large population centres such as Kinshasa, Mbuji-Mayi, Lubumbashi and, to a lesser extent, Kisangani. There is a concern that dominant political parties in such areas — and the local government if it is in opposition to major political parties in the area — could threaten the activities of smaller parties, including through the manipulation of local police forces, armed groups and street children, the creation of civic disorder and direct threats to political personalities. Competing political parties, especially those representing minority groups, are likely to vigorously protest and demonstrate against any perceived manipulation or misuse of authority by local government officials.

23. A related issue of concern is how prevailing tensions between ethnic groups could affect the dynamics of local politics in some areas. The expected return of up to 8,000 Banyamulenge refugees from Rwanda and Burundi, who fled as a result of violence during the Bukavu crisis of June 2004, and the return of as many as 40,000

Banyarwanda refugees from Rwanda to North Kivu, could pose considerable security risks during the registration and polling stages of the process.

24. Similarly, in the Ituri district of Province Orientale, even after the completion of disarmament and community integration, tensions are likely to rise during the electoral period between the closely intertwined Hema and Lendu communities, notably in the Djugu and Irumu *territoires*. There is also a concern that ethnic tensions could intensify during the electoral process in areas of southern Katanga, particularly the cities of Lubumbashi, Kolwezi and Likasi. These cities, which make up 27 per cent of the province's estimated electorate, have a history of ethnically motivated violence by indigenous Katangans towards Congolese from other provinces.

III. MONUC support for the holding of elections

25. With the forthcoming holding of elections, the peace process in the Democratic Republic of the Congo is moving into a new phase. While the international community can assist, the ownership of the electoral process must remain with the Government and people of the Democratic Republic of the Congo. The Transitional Government needs to address some key issues to ensure that the electoral process is secure and credible. The most important of these are financial and logistical support for the electoral operations; creating security through increased attention to and resources for military and police integration; installing a transparent system of financial oversight over revenue collection and spending; and ensuring that the political environment is free of intimidation during the campaign and voting stages of the process.

26. During the electoral phase of the transition process, the main objective of MONUC will be to help ensure that conditions are in place to enable the newly elected Government to manage the country in a stable environment. Hence, the Mission's main effort is directed towards helping the Congolese people to put a viable post-transition government structure in place, to meet the challenges associated with organizing and conducting the elections, and to ensure that the political and security environment is conducive to a credible electoral process.

27. Owing to the size of the country, however, MONUC will not be able to deploy its civilian, military and police personnel in all areas. It will focus its civilian/political efforts at the national level and on main population centres at the provincial level, with temporary deployments and missions to less populated locations. MONUC police personnel will concentrate on capacity-building, particularly in areas of potential civilian unrest, where the main effort will remain focused on political dialogue and problem-solving. Similarly, MONUC military deployments and the Mission's political work will focus on the military threat posed by uncontrolled armed groups.

Legislative process

28. In accordance with its mandate, and as noted above, MONUC has coordinated international technical and political support, through the Joint Commission on Essential Legislation and the International Committee in Support of the Transition, to assist its Congolese interlocutors in their efforts to prepare a viable post-transition constitution. Similar support will be provided for the electoral law.

29. Another issue related to the legislative agenda concerns possible complaints during the electoral process, particularly after the balloting. The electoral law is likely to provide for an adjudication mechanism, either through the Congolese court system or through the establishment of a special electoral court. After years of conflict and factionalism, the Congolese court system remains fragile. Hence, whichever mechanism is chosen, capacity-building support will be required to help train judges in the electoral law. Moreover, should the Congolese adjudicative structures face major complaints against the electoral process in a politically charged atmosphere, consideration may be given to the establishment of an independent panel of electoral experts, including international personalities of unquestionable repute, who could be called upon to make an assessment of any major charges. While such a panel would have to be independent of MONUC, given the Mission's role in support of the elections, I have asked my Special Representative to explore this issue with the Transitional Government and the International Committee in Support of the Transition at the appropriate time.

Electoral operations

30. The Electoral Assistance Division of MONUC consists of a small headquarters team that provides technical advice and assistance on a daily basis to IEC at the national level, as well as strategic advice and coordination for international donors to the electoral operations. The Division's field offices are established in 15 locations, 13 of which are fully operational (the exceptions being Kikwit and Bandundu). The field offices provide technical assistance to the provincial and liaison offices of IEC and have, to a large extent, filled the gap resulting from the late establishment of the IEC field structures. While the field offices are mostly located one to a province, in some areas additional offices have been established to take account of geographical expanse, population and the political complexity of the area.

31. The structure of the electoral component of MONUC was initially proposed prior to the establishment of IEC and its operational structure in the field, and well in advance of the promulgation of the legislation governing the electoral process. On the basis of a fresh assessment of needs, I intend to establish six additional field offices and sub-offices and to provide a minimal reinforcement of the headquarters team. The additional field offices will bring MONUC personnel into closer proximity with the IEC field operational structures and enhance their capacity to provide technical assistance to those structures. It will also improve information-gathering capabilities in areas of difficult access. Similarly, reinforcement of the headquarters team will improve the level and depth of support to the planning capacity of IEC at the central level and give sharper focus to the capacity-building efforts and electoral strategy of MONUC. It is expected that such assistance will also help the Democratic Republic of the Congo to develop an electoral institution capable of conducting elections in the future with minimal dependence on international advisers.

The political environment

32. In addition to the legislative and operational aspects of the elections, achieving a political environment conducive to peaceful political party activity and popular participation will be essential for the credibility of the process. The Congolese leaders, MONUC and their international partners are focusing on several key issues

in this regard, including a code of conduct, ensuring the transparent use of State resources and broadening political space.

33. At a seminar for political parties held in March 2005, IEC presented a draft code of conduct for the electoral process. The draft code was adopted by all parties present by general consensus. It is now being finalized so that it can be signed by the participants. In addition to this code of conduct, the Congolese leaders should be urged to undertake a formal commitment, publicly pledging on behalf of their respective political parties and followers to accept the results of the elections and condemning any use of violence, intimidation or corruption during the electoral process. The international community should use robustly the political means at its disposal to ensure that those commitments are respected.

34. It will also be necessary to address the increasing reports of growing and widespread misuse of State resources, including the misappropriation of funds meant for the payment of salaries of military and police personnel. As the elections approach, State funds may also be misused to finance political parties' activities. To help strengthen public confidence in the transition process, some Member States have suggested that a joint mechanism of Congolese officials and international donors be established to support the transparent management of State resources, including revenue from the mining sector. I strongly support this idea. Such a mechanism, which could be established in the form of a Group of Friends of Good Governance, should include, inter alia, the World Bank the International Monetary Fund and UNDP. I have asked my Special Representative to explore this idea with his Congolese interlocutors and donors.

35. While the measures described above would help to strengthen confidence in the electoral process, additional efforts must be made to help the political parties and electorate to understand the process, and to strengthen popular participation in it. In accordance with the mandate of MONUC, the Mission's capacities in the areas of political affairs, human rights, civilian police, the rule of law and gender can play an important role in monitoring the overall environment surrounding the elections, and in supporting and protecting the rights of the electorate and political parties.

36. Using the field office structure, MONUC staff will work with local authorities, political parties and civil society to monitor and gather information on the process, and bring to the attention of the authorities violations of the rules and regulations governing the electoral process. MONUC will also aim to reach less accessible areas with visits of combined teams of electoral, political, human rights and other staff, along with Congolese partners.

37. In addition to its overall monitoring role, MONUC, together with partners in the United Nations system, will work with local partners to prevent tensions and build confidence in the electoral process by educating the public on civil rights and public liberties, as well as issues related to elections and children. MONUC will convene round tables, workshops and seminars of a large range of actors involved in the electoral process, including parties, administrative authorities, judicial and military authorities, and non-governmental organizations. The goal of the round tables will be to provide a venue in which to examine concrete means of ensuring respect for democratic reforms and human rights during the electoral period and beyond.

38. At the same time, MONUC will need to have access to places of detention, should persons be arrested during political demonstrations, to ensure that such arrests are not politically motivated. It should be noted that, following the demonstrations in January 2005, which resulted in the killing of several demonstrators and numerous arrests, MONUC human rights officers were not given access to the detainees.

39. The public information capacity of MONUC will also play a critical role in ensuring that the electoral process is well understood by the population and all political parties. The rights and responsibilities that are accorded to the electorate and to political parties will need to be clearly articulated by IEC, the authorities and MONUC. This puts a premium on an effective public information strategy. MONUC is enhancing its public information strategy to help keep the public informed of what is to be expected at each stage of the process and to conduct civic education to allow voters to participate in an informed manner.

40. The MONUC information strategy will use the office of its spokesman, Radio Okapi, special publications, community outreach and the Internet to sensitize voters in a maximum number of locations; execute a strong civic and voter education campaign; highlight and denounce human rights abuses, acts of criminality and intimidation; advocate improved national security, humanitarian access and political tolerance; and highlight developments in the electoral process as it unfolds. The public information strategy will thus have both an informational function and an important role in promoting a free and fair political environment surrounding the elections.

41. The complicated and interdependent operational, political and security aspects of the electoral process will require effective coordination among MONUC components. At the field level, the head of each MONUC office will bring together electoral and other substantive staff and security personnel, as well as military and police personnel where applicable, to ensure that electoral plans and MONUC activities are mutually reinforcing and carried out with due regard to staff security and the overall security environment. At MONUC headquarters, the Joint Mission Analysis Cell will analyse integrated reporting sent from MONUC field offices and identify emerging trends, concerns and opportunities across the country, with a particular focus on the evolving political environment and electoral planning in the field. The Deputy Special Representative or someone designated by him will chair a coordination group for the elections that will draw on analysis from the Joint Mission Analysis Cell and the resources of the Joint Operations Centre to generate integrated planning and tasking for the Mission's substantive and logistic contributions to efforts to prepare a political and security environment conducive to the holding of elections.

Security environment

42. As noted above, significant and rapid progress in security sector reform will be required in the lead-up to the elections in order to ensure a favourable overall environment for the campaign, registration and polling phases of the elections. The main constraints at this juncture include a severely under-resourced *brassage* (integration) process, non-payment of salaries to military and police personnel, and lack of basic equipment and sustainment for the integrated brigades and police to carry out their duties. The European Union has decided to channel €6 million

through UNDP for the provision of logistics and training for *brassage*. MONUC will help to manage these resources on the ground. The Government of the Netherlands, which will channel its aid through the Government of South Africa, has pledged €5 million for support to the *brassage* centres. While this assistance is most welcome, additional steps are urgently required on the part of the Transitional Government and donors to ensure that security sector reform is put on a solid track.

43. As noted earlier, there are several localities where the continued presence of uncontrolled armed groups or deep political tensions could compromise the security of the electoral process. Rapid and decisive action by the Congolese leaders to ensure security in these areas is the fundamental solution to this problem. The support of other international partners, as well as of MONUC where possible, in training and equipping the national police and armed forces to carry out their security roles is also an essential element. Nevertheless, given the current state of the Congolese military and police, I believe that additional MONUC military and police deployments will be required to help secure the elections in some key areas of the country, with the United Nations military addressing the threat of armed groups and police addressing the threat of civil unrest, particularly in areas of Katanga and potentially volatile cities such as Mbuji-Mayi.

44. The current military strength of MONUC, some 16,700 troops, is fully committed to carrying out the operational tasks entrusted to it by the Security Council in Ituri, North and South Kivu and Kinshasa. In view of continued instability in some of these areas, it is not expected that MONUC will have the capacity to redeploy troops to assist in providing security for elections in northern and central Katanga, or to provide extraction capabilities for electoral and other United Nations personnel in the politically volatile areas of southern Katanga and Mbuji-Mayi. It is therefore proposed that an additional brigade composed of three battalions be deployed to perform these critical tasks.

45. The brigade would be composed of a headquarters (150 personnel) and three infantry battalions (850 personnel each). The brigade would focus its main effort on the Mayi-Mayi threat in northern and central Katanga, and would carry out the following tasks: assist through its presence and patrolling in the provision of a secure environment for the elections; monitor and encourage Mayi-Mayi to join the *brassage* process; monitor the arms embargo at the airport and ports on Lake Tanganyika (Moba); deter movement of armed elements from South Kivu to Katanga; protect MONUC and other United Nations personnel, including election staff located at Kalemie, Kabalo, Moba, Kamina, Kapanga and Bukama; provide extraction for MONUC and United Nations personnel located in southern Katanga and the Kasais; protect MONUC installations in Katanga; and liaise with national armed forces deployments in the area. The brigade will have the same rules of engagement as United Nations troops deployed in the east.

46. The brigade would include a utility helicopter unit of six helicopters, including three helicopters capable of night flying (140 personnel); two observation helicopters (30 personnel); a level 2 hospital (45 personnel); and an engineer company (175 personnel). While the strength of the brigade would be 3,090 personnel, the enabling assets and the brigade headquarters would be generated from within the current authorized strength of MONUC. Hence, a total of 2,590 additional troops would be required. As a result, the overall authorized strength of MONUC would increase from 16,700 to 19,290.

47. The Katanga brigade should be deployed as a temporary measure and be operational by October 2005 at the latest. Once the electoral process has been completed, an immediate assessment will be undertaken to determine whether the Katanga brigade can be downsized or repatriated.

MONUC police

48. While the integrated leadership of the national police has been appointed at the central and provincial levels, a chronic lack of equipment, logistics and training, and the absence of any personnel records, has seriously compromised the institutional development of the police. Recent MONUC assistance has focused on a "train-the-trainer" programme, through which MONUC has trained some 446 national police trainers. However, the difficulties faced by the administrative, logistic and operational structures of the national police have affected the initially envisaged "multiplication" effect of this approach.

49. At the same time, other members of the international community have also been actively assisting the development of the national police. The European Union has trained an integrated police unit; the Governments of Angola and France are supporting the training of rapid intervention police; and the Government of South Africa has supported the training of trainers in police intelligence. The Government of Japan has stated its interest in training police in the protection of high-level officials, intelligence and small arms control and contributing to the overall democratization of the police, while the United Kingdom of Great Britain and Northern Ireland is providing expertise for the development of a communication network for the police. The Government of Norway has provided financial support for police training.

50. In addition to their training activities, MONUC police have been strategically deployed in an advisory role in 12 locations throughout the Democratic Republic of the Congo. The Ministry of the Interior, Decentralization and Security, supported by the Joint Commission for Security Sector Reform, which includes representatives of the Government, MONUC and bilateral and multilateral partners, has developed a plan that outlines the financial, logistic and human resources necessary for the national police to maintain security during the electoral process. Approximately 9,000 police officers would be trained in public security and crowd control and an additional 18,500 for the static security of the registration and polling centres. The plan also calls for the development of an intelligence and early-warning capacity. To date, Belgium the Netherlands, the United Kingdom and the European Union have pledged some $20 million of the $40 million estimated budget to a UNDP-managed trust fund.

51. Taking into account the recommendations of the Joint Commission on Security Sector Reform, MONUC and the Department of Peacekeeping Operations have developed a new concept of operations that would address the immediate needs related to enhancing the role of the national police in the electoral process, while contributing to its long-term institutional and capacity development. This will entail a two-pronged approach that will include the co-location of MONUC senior police officers at general and provincial inspector level to advise on operations planning and management, while at the same time building capacity from the bottom up. In this respect, one urgent requirement will be the registration and certification of the

national police force, which must be done before action can be taken to develop its effectiveness and accountability.

52. A training and briefing programme has already been developed for the 18,500 national police officers who will provide the static security for the registration and polling centres. National police trainers, in coordination with IEC, will conduct this training under the supervision of MONUC police personnel. At the same time, it is recommended that MONUC provide immediate support for the development of crowd-management capacity of the national police, particularly in those areas of greatest risk for disturbances during the electoral period, namely, Kinshasa, Lubumbashi, Kisangani, Mbuji-Mayi, Kananga, Bukavu, Kolwezi, Likasi and Uvira. Such training will include crowd-control operations as well as early warning, conflict resolution and non-lethal tactics.

53. MONUC police activities will require close coordination with donors, whose support will be necessary for equipping the national police. There is a need to strengthen coordination of police assistance among international donors in order to limit the risk of duplication and to better adapt support to the priorities of the national police. MONUC police will therefore promote the establishment of a working group for the coordination of those international partners who are currently, or have expressed an interest in, contributing to the development of the national police.

54. By its resolution 1493 (2003), the Security Council authorized a total strength of some 134 officers for the MONUC police. By resolution 1565 (2004), the Council authorized an increase of 5,900 personnel for MONUC, including up to 341 civilian police personnel. At present, MONUC has one formed police unit (125) that is in the process of being deployed, and 175 police officers are in situ.

55. The MONUC formed police unit and national police crowd-control units would create a mechanism on the basis of which they would conduct joint duties and training sessions. In the event of open confrontation with a crowd, MONUC police would direct the attention of the national police to the protection of the sites that are likely to be targeted (including United Nations installations) and would also help to coordinate the police response. Furthermore, MONUC police would monitor the actions of the national police to ensure that the use of force is proportionate to the threat in accordance with internationally accepted control methods that include negotiation, conflict resolution and non-lethal tactics. This strategy would significantly increase the level of security in the event of demonstrations and prevent them from deteriorating into riot situations.

56. For MONUC to implement the concept of operations described above, it is envisaged that an additional five formed police unit of 125 officers each (625) will be required, operating under the command of the Police Commissioner, providing a total of some 750 formed police officers. The role of the formed police units and MONUC military deployments will be complementary and coordinated at the strategic, tactical and operational levels. The formed police units will be deployed as follows: two in Kinshasa, one in Kisangani, one in Mbuji-Mayi, one in Lubumbashi and one in Bukavu.

57. At the same time, another 216 police personnel, above the current MONUC deployment of 175, will be required for the Mission to provide advisers at the national and provincial level and to fully support the implementation of the

Government's security plan for the elections, including the training programme for the 18,500 national police officers. These 391 officers will be deployed as follows: 25 officers to advise and assist the national police in the implementation of the security plan for the elections; 12 mobile training teams of five MONUC police officers, together with already trained Congolese police officers, to train Congolese police for elections security; 230 officers deployed in an advisory capacity in 20 strategic locations throughout the country, including 30 co-located with the national police general and provincial inspectors, and 200 to support key policing areas such as investigations, community policing, human rights, traffic and professional standards; 30 officers at MONUC police headquarters, including four persons permanently dedicated to donor coordination; and 46 officers to conduct the registration of the national police personnel, which will start with those officers who will be trained for the electoral process.

MONUC logistic support for elections

58. MONUC has carefully analysed the resources required to respond to the request of IEC, noted in paragraph 15 above, for assistance in transporting electoral material from Kinshasa to the 145 *territoires* and 21 cities. In this connection, it must be noted that the Mission's existing aviation resources are already fully utilized. Increased air mobility assets will be required to meet the transportation requirements requested by IEC, including 3 IL-76 aircraft, 6 C-130 aircraft, 11 medium-utility helicopters and 2 Mi-26 helicopters. The delivery of this equipment will also require the deployment at the 166 locations of some 400 United Nations Volunteers and national personnel.

59. The additional aircraft would also serve to supplement the support required for the deployment and sustainment of the Katanga brigade. As most of the sites are in areas without a current permanent MONUC presence, additional logistic infrastructure and ground transportation resources will be required at those locations. Upon completion of the support for the electoral process, the Department of Peacekeeping Operations will conduct a comprehensive transportation resource review and adjust the mission resources accordingly.

IV. Financial aspects

60. The General Assembly, by its resolutions 58/259 B of 18 June 2004 and 59/285 of 13 April 2005, appropriated a total of $954,766,100 for MONUC for the financial period from 1 July 2004 to 30 June 2005.

61. As at 30 April 2005, unpaid assessed contributions to the MONUC special account amounted to $459.3 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,218.8 million.

62. I shall inform the Council of the financial implications arising from the proposed support by MONUC for the holding of elections in the Democratic Republic of the Congo in an addendum to the present report to be issued shortly.

63. Since its establishment in October 1999, the trust fund to support the peace process in the Democratic Republic of the Congo has received voluntary contributions amounting to $1.4 million, with expenditure to date of $0.9 million. As indicated in my previous report to the Security Council (see S/2005/167, para.

70), with the appointment of the Ituri District Administration by the Transitional Government, the trust fund to support the Ituri Pacification Commission established in July 2003 has accomplished its purpose. Expenditures against voluntary contributions to the trust fund of $0.35 million amounted to $0.28 million and I am seeking the views of the donors as to the disposition of the balance remaining in the fund

V. Observations and recommendations

64. Holding elections in the Democratic Republic of the Congo will obviously be a daunting task. Regrettably, the electoral process has already experienced significant delays. Nevertheless, despite the security, operational and political challenges, with sufficient focus and support by the Transitional Government and assistance from international partners, elections can be held within a reasonable period of time.

65. It is primarily the responsibility of the Transitional Government to create the conditions necessary for stability in the post-transition period and for the success of the electoral process. I urge the transitional leaders to think not of what the electoral process can bring to them personally and to their immediate supporters, but of what it can mean for the Congolese people and for the Democratic Republic of the Congo as a nation. These elections can be a turning point in the history of the Democratic Republic of the Congo. They can bring into being the first truly representative government since independence, a government that can begin the process of nation-building necessary to provide basic social and economic opportunities for the Congolese people. While the members of the Transitional Government have shown signs of understanding the significance of these elections, they must do more.

66. I welcome the adoption of a Constitution that puts into place a structure ensuring checks and balances among the executive, legislative and judiciary branches, and provides for a balance of power within the executive branch of government. During the remaining period of the transition, which will be particularly sensitive, the members of the Transitional Government must ensure that the Government is run in a transparent and impartial manner and they must commit themselves to accepting the results of the elections.

67. I have outlined in this report several recommendations through which the international community could assist the Government, including the signing of a code of conduct and the establishment of a Group of Friends on Good Governance. I strongly urge the transitional leaders to enter into these commitments and remind them that the international community stands ready to help to usher in a stable and economically sound future in the Democratic Republic of the Congo.

68. I remain deeply concerned, as do many of the country's international partners, over the state of security sector reform. The Transitional Government must not allow armed elements of former factions to be in a position where they can be politically manipulated during the electoral period. Most importantly, the stability of the post-transition State will depend on its capacity to provide security for its people. I welcome the efforts of the European Union and Member States to assist in this regard, but the ultimate responsibility lies with the Transitional Government. The problem is no longer one of producing security sector reform plans, but of ensuring that the necessary resources for their implementation are available. The

Government must ensure the transparent payment of salaries and financial support to a viable *brassage* process, as well as support to the new integrated brigades.

69. The determination that MONUC and its international partners have demonstrated in supporting the transition process has been a source of encouragement. Political work through the International Committee in Support of the Transition and flexible assistance in key areas such as the electoral operations and *brassage* have helped the Congolese people to make concrete progress in the implementation of the peace process. I urge donors to transform their commitments to the electoral budget into actual disbursements to avoid any possible bottlenecks in the electoral operations.

70. The actions taken by MONUC in disarming more than 12,000 combatants in Ituri and in increasing the security environment in North and South Kivu deserve to be acknowledged. Progress in these vital areas has shown that, with the right kind of military resources, real change can take place. It is in this context that I recommend that the Security Council consider increasing the military strength of MONUC by some 2,590 all ranks to a total strength of 19,290. These additional military personnel, who would only be deployed temporarily for the period of the elections and their immediate aftermath, could play a significant role in ensuring stability in highly volatile areas and in allowing the electorate the right to participate in the process, as well as ensuring the security of MONUC and other international personnel in high-risk areas.

71. It is also recommended that the Security Council consider strengthening the civilian police component by an additional 261 civilian police and five formed police units to undertake training and institution-building activities at the central and ground levels, as described in paragraphs 48 to 57 above. After years of being encouraged to adopt a viable police institution-building and training programme, the Transitional Government has now shown a real willingness to do so. Additional support from MONUC at this juncture would not only help to ensure stability and political openness during the electoral process, but support long-term capacity-building for the national police.

72. The logistic support requested of MONUC by IEC for the transport of electoral material from Kinshasa to the 145 *territoires* and 21 cities would represent a major challenge. Given its transport infrastructure, MONUC will be the only organization capable of providing this support. Unfortunately, the private sector in the Democratic Republic of the Congo does not have the capacity to undertake this task and contracting an international private firm would be more expensive and probably less reliable than using the MONUC infrastructure network. I therefore recommend that the Security Council consider providing such a mandate to MONUC, as described in paragraphs 58 and 59 above.

73. The forthcoming elections in the Democratic Republic of the Congo provide an opportunity for stability not only in that country. They will also contribute to stability in the subregion. There is a strong hope that through the strategy and recommendations outlined in this report — including those addressed to the Transitional Government and those put forward for the consideration of the international donors and the Security Council — this long-sought goal can be achieved.

74. In closing, I would like to congratulate my Special Representative and the women and men of MONUC, the United Nations family and international partners for their untiring efforts, often under conditions of personal risk, in the pursuance of peace in the Democratic Republic of the Congo. I would also like to congratulate the Congolese people for their courage and foresight in meeting the many challenges before them in bringing long-term stability to their country.